

GENERAL PLAN COMMITTEE

Council of the County of Maui

MINUTES

May 21, 2012

Council Chamber

CONVENE: 9:05 a.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Elle Cochran
Councilmember Michael P. Victorino
Councilmember Mike White

EXCUSED: Councilmember Robert Carroll
Councilmember G. Riki Hokama
Councilmember Danny A. Mateo
Councilmember Joseph Pontanilla

STAFF: Kirstin Hamman, Legislative Attorney
Clarita Balala, Committee Secretary

ADMIN.: William Spence, Director, Department of Planning
John Summers, Administrator, Long Range Planning Division, Department of Planning
Simone Bosco, Senior Planner, Long Range Planning Division, Department of Planning
Daniel McNulty-Huffman, GIS Analyst, Department of Planning
Michael Napier, GIS Analyst, Department of Planning
Mark King, GIS Analyst, Department of Planning
Peter Graves, GIS Analyst, Department of Planning
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Al LaPeter
Clare Apana
Dain P. Kane, President, Wailuku Country Estates Community Association
Mark Sheehan
Irene Bowie, Executive Director, Maui Tomorrow
Anna Maria Kahalekulu
Ke`eaumoku Kapu, Aha Moku O Maui
Lloyd Sodetani, Puu`nani Project
Mike Atherton, Waikapu Country Town, Maui Tropical Plantation
Lucienne de Naie, Sierra Club Maui
Johanna Kamaunu

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Kaniloa Kamaunu
Jacob Verkerke, President, Waikapu Community Association
Glenn Adolpho
Uilani Kapu, Aha Moku O Maui
Charles Jencks, II Wai Hui, Endurance, and Towne Development
Mitch Skaggarberg, Maui County Veterans Council
Mary Traynor
Pualani Kamaunu Basbas, President, O Waihee Ma Community Association and Cultural Center
Jlorra Pualani Savala, Secretary, O Waihee Ma Community Association and Cultural Center
Dick Mayer
Foster Ampong, Aha Moku O Wailuku

Karlynn Fukuda, Munekiyo & Hiraga, Inc.
Leilani Pulmano, Munekiyo & Hiraga, Inc.
Randall Endo, A&B Properties
(4) additional attendees

PRESS: *Akaku: Maui Community Television, Inc.*

ITEM NO. 2(2): GENERAL PLAN UPDATE (MAUI ISLAND PLAN: CHAPTER 8 (DIRECTED GROWTH PLAN) – (WAILUKU-KAHULUI REGION)) (CC 07-54)

CHAIR BAISA: . . .(*gavel*). . . Will the meeting of the General Plan Committee please come to order. Welcome back, everyone. Before we begin, would you please turn off your cell phones and anything else that makes noise so that maybe we can get through our stuff this morning. I'm Councilmember Gladys Baisa, Chair of the Committee, and I'd like to thank everyone for making the time to attend this special meeting. In March we started our review of Chapter 8, the Maui Island Directed Growth Plan but we have not been able to meet during our review of the annual County budget. Regular Committee meetings are not scheduled to begin until mid-June; however, we have an awful lot of work to do. That is why it is important that we try to meet as often as possible to get it done. By doing so, I am confident that we can complete our review of the Maui Island Plan by the end of the year. This is my personal goal, and I hope it is the goal of everybody in this room. We need to get this plan done, and that means that there will be long meetings and there will be days when you'd rather be doing something else. But we need to be here or we're not going to complete it and I'm committed to that. Today we will discuss and act on growth boundaries and related maps to the Wailuku-Kahului region in the Maui Island Plan. If we're unable to complete our review of the Wailuku-Kahului region today, we will consider a recess until tomorrow morning at 9:00 a.m. I'd like to introduce the Members that are here today with me. I have my Vice-Chair, Don Couch.

VICE-CHAIR COUCH: Good morning, Madam Chair.

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CHAIR BAISA: Good morning, Mr. Couch. And I have Ms. Cochran, Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha.

CHAIR BAISA: Good morning. I have Mr. Mike Victorino.

COUNCILMEMBER VICTORINO: Good morning and aloha, Chair.

CHAIR BAISA: Good morning. And Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Good morning. And excused this morning is Member Carroll, Member Riki Hokama, Danny Mateo, and Joe Pontanilla. From the Administration we have with us Will Spence, our Planning Director.

MR. SPENCE: Good morning, Chair.

CHAIR BAISA: Good morning, Will. I have John Summers, the Administrative Planning Officer with the Planning Department.

MR. SUMMERS: Aloha, Chair.

CHAIR BAISA: Simone Bosco, Senior Planner from the Planning Department.

MS. BOSCO: Good morning, Chair.

CHAIR BAISA: Our Deputy Corporation Counsel, James Giroux.

MR. GIROUX: Aloha, Madam Chair.

CHAIR BAISA: Good morning. And with us we have all these folks from GIS. We're so excited to have them with us today. We have Mike Napier, GIS Analyst from the Planning Department.

MR. NAPIER: Good morning, Chair.

CHAIR BAISA: Good morning. Mark King, GIS Analyst from the Planning Department.

MR. KING: Good morning, Madam Chair.

CHAIR BAISA: Good morning. Dan McNulty-Huffman, GIS Analyst.

MR. MCNULTY-HUFFMAN: Good morning, Chair.

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CHAIR BAISA: And Peter Graves, another GIS Analyst.

MR. GRAVES: . . .(inaudible). . .

CHAIR BAISA: Goodness, I feel so honored to have all of you here helping us. Thank you so much. We also have my Committee Staff. I have my Legislative Attorney, Kirstin Hamman, and we also have our Committee Secretary, Clarita Balala. Folks, we will be taking testimony today. It'll be limited on the item which is on our agenda. Please sign up at the desk located in the lobby if you haven't already. Testimony will be limited to three minutes per person with one minute to conclude if you need it. Please state your name and who you are representing if it's anybody besides yourself. Okay, we've got quite a few folks signed up for public testimony this morning and we'd like to get started. Our first testifier this morning is Mr. Al LaPeter, and Mr. LaPeter will be followed by Clare Apana. If you would please come to the podium. And there's a light system you'll notice that the lights will be green and then they'll be yellow when you're getting to the end, and then it'll be red.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. LAPETER: Thank you, Council members. My name is Al LaPeter, I live at 114 Keoawa, that's in Kapalua, Maui. I am here because I understand that there is some effort by our board of directors of our homeowners association to change our current Ag zoning to Rural, and I want to just take a few minutes. I have e-mailed everything to the Council members and to the Committee, documentation, photos, but I just want to kind of highlight why I feel that our zoning should stay as Ag and not Rural. 1998 the Maui Code was changed, Section 19.30A.040D, 2003 the State of Hawaii Statute 205-4.6 specifically to change the law so that Ag zoning could not...the approved uses in Ag zoning could not be superseded by CC&Rs. Apparently the County and the State felt that CC&Rs were overtaking Ag usage, and I think that was a great law. I bought in, I bought our lot in Honolua Ridge in 2005. When I bought the property there was a document recorded with the property given to all the owners stating that Honolua Ridge was a full Ag subdivision and all approved Ag uses were allowed in that subdivision regardless of what the CC&Rs stated. We have two subdivisions under our homeowners association. We have Plantation Estates which is a limited Ag subdivision created in the 1990s, and Honolua Ridge which is a full Ag subdivision. There's been a history with our board of directors that they are not quite in favor of many of the Ag uses that are allowed by the County. I have submitted again pictures, but I just want to give some examples. And actually before I give the examples I would like to thank Councilmember Cochran for taking the time to come to our neighborhood and visit with me, and I showed her our current Ag usage that is being done up there, the prior Ag usage, and some of the future Ag usage. Our lots in Honolua Ridge first of all go from about 100 feet in elevation to about 1,300 feet in elevation. Very rich soil, lots of natural water, and has been farmed for decades with Maui Land and Pine. Currently we have a lot of Ag uses up there, and my concern is, if the zoning is changed to Rural the homeowners association can then limit the current Ag uses based on the CC&Rs. Some of the uses that we have currently up there, we have Lot 24, Phase II, it's a 25 acre parcel and it's basically 25 flat

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acres of land. That gentleman, a doctor in California has cattle on the property, has horses, is planning to build a...he's already got approval from--there goes my light--approval to build a 6,000 square foot barn to build, to have...and plant hundreds of olive trees. He also plans to have employee housing above the barn so that they can farm that land. The board of directors and homeowners association was very much opposed to that, yet it is an allowable Ag usage. I see my time is running out. We have people that have horses up there. We had an owner that had horses and . . .(clears throat). . . excuse me, cattle up there, has since moved. One of the things he did was have field trips for the kids at the school, local school to come visit and see the farm animals. We are a resort. We have beautiful hiking trails above our subdivision that hundreds of people are shuttled up there to walk the hiking trails and be able to see some of the Ag property that we have up there. I bought up there because I want to be in an Ag area. It's totally different than the Plantation Estates Subdivision which is not allowed Ag zoning. My neighbor just below me is building his house...that's it? Again, I have submitted everything to the Committee, e-mails, et cetera, et cetera. And I want to thank you for the time. Thank you very much.

CHAIR BAISA: Mr. LaPeter, thank you very much for being here, and thank you for your testimony. But the Chair would respectfully tell you that today we're focused on Wailuku and Kahului, and you will have an opportunity, we're going to take the areas in order. I believe that your area will probably be the fourth area we take up. After we do Wailuku/Kahului we'll be doing Kihei and Wailea, so you'll have a while. And you'll be very welcome to come back and to communicate with us some more specifically at that meeting.

MR. LAPETER: And I will. I just because of my business schedule I may not be able to attend that, and I just wanted to make sure that I was able to at least put this out there.

CHAIR BAISA: Thank you very much.

MR. LAPETER: Thank you very much. And thank you, Councilmember Cochran, for taking the time to visit with us.

CHAIR BAISA: Members, any questions for Mr. LaPeter? By the way, testifiers, when you're through, if you could just hang on for a minute in case the Members have questions. Seeing none, thank you very much, and thank you for being here.

MR. LAPETER: Thank you.

CHAIR BAISA: Our next testifier is Clare Apana, and Ms. Apana will be followed by Dain Kane. Good morning, Clare.

MS. APANA: Good morning. Good morning, Council, Chair Baisa. It never gets better, I'm so nervous. Okay.

CHAIR BAISA: Don't be, it's okay, relax.

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MS. APANA: Okay. Today I wanted to talk to you about the maps of Wailuku, Waikapu, and specifically an area that is right by Pomaikai School where you have a County or a regional park. That has, that project has gone through different iterations, and I see that the last map it's a regional park. I agree with the regional park. I agree with the increasing the green space right there and I'll tell you why and you won't be surprised, that that is an area where there are sand dunes that are still have not been sand mined. So what do you think we'll find in the sand dunes? And I want to tell you that I wouldn't usually want to say anything like this, but I will say this that I have been allowed to be a kahu of the burials in the sand dune area, the sand dune area along with Michael Lee who is the already recognized kahu of the Maweke-Lakona Royal Burials which go throughout all the islands. And I am asking you to protect my right under Article 12, Section 6 and 7 of the Constitution to practice my culture which is at this time to protect this area, protect the burials. I think it's a chance that we have to do something really good. The history of this area deserves to be recognized and preserved. You know it's about like 2,000 acres and what's left of that is not in Residential or sand mined is this little area, maybe it's 22-30 acres that still has sand dunes on it. And on these sand dunes was the battle of Kakanilua which was fought only in the sand dunes that came through Waikapu and Wailuku. This is the only place we're going to see this natural geographic feature that this battle came through. And I'll tell you another thing about the history of this place. You look at it, you know, and if you logically think about it, the geologists say that the sand was blown up there and mixed with the water and it formed all these sand dunes way up there. In the Hawaiian cultural practice we might look at well how did that sand get up there. In the year 1000 to 1050 there was a great tidal wave, a big section of the Big Island fell into the ocean causing a huge tidal wave which completely, completely covered the island of Kahoolawe, and it came over to Maui and this way three times. Might that have brought sand up there? I see sand...I see shells stuck into rocks. I don't think they get blown up by the wind. See we have two really fabulous historical events that we could showcase in this place, we could preserve it in these sand dunes, only in the sand dunes, and I ask you to allow this area to be...come under your jurisdiction. And but somehow you have to be able to protect it from being sand mined. The park on the other side across from Pomaikai used to be part of a sand dune and now it's a big divot, kind of looking like a retention basin park again, but they've taken all the sand out. Somehow if we can do the best practices, best management for our community, we would preserve this area, and enlarge that green space just a little bit to include the rest of the sand dune where the 17 royal burials were found in a pile of sand and they had to put them back together. But it came from that area and it's just a little bit more down from where the map shows, and can you protect this land so that we don't have a park that has been sand mined? And you will be able to protect my rights as a cultural practitioner on this part of this land and a cultural practitioner of Hawaii nei to protect our burial sites. I have been working on this for many years. I've already gotten a whole list of people who want to work with this, for this preservation, to work with the history, to work with the natural features. We have Manduca...

CHAIR BAISA: Ms. Apana, can you conclude, please?

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MS. APANA: Yes, I'm sorry. Am I blinking? Okay. We have Manduca here which are like the little...are like dragonflies, an endangered species. There are so many reasons to turn this into something extremely special for Maui, and I ask you Council members to vote for the map to enlarge it a little bit more to include the rest of that sand dune and to allow citizens like Waikapu citizens, Kanaka Maoli, myself who have an interest in this place to make it into something that will go on for the future generations and for the economic future of Maui. Thank you.

CHAIR BAISA: Thank you.

MS. APANA: Sorry.

CHAIR BAISA: Thank you very much. Members, any questions for Ms. Apana? Seeing none, Clare, thank you very much for your testimony.

MS. APANA: Thank you.

CHAIR BAISA: Our next testifier is Dain Kane, and Mr. Kane will be followed by Mark Sheehan. The Chair would also like to share with the testifiers that it is our intent after we take testimony this morning that we're going to be looking at all of the requests for changes, additions, deletions to the current maps, and if you can stay with us it might be a good idea. Because although you are testifying now for three minutes, when we get to the discussion if the Members have any questions we may need you as a resource. So if you can hang with us that'll be very nice. Mr. Kane, go ahead. Thank you.

MR. KANE: Good morning, Committee Chair and Committee members. Thank you for this opportunity to testify. My name Dain Kane, I live in Wailuku, and I'm here in the capacity of one of five board members for the Wailuku Country Estates Subdivision located right above Happy Valley in here in Wailuku. Specifically, I'm here on behalf of our board and our community association to testify in basically a response to two recommendations that were made by Planning Director Spence on making the recommendation that the subdivision be designated Rural. I want to give a little bit of background first, if I may. During the General Plan Advisory Committee's opportunity to work with the plan, they made a recommendation to the Maui Planning Commission also to have Rural. At that time we were made aware of the situation, our board met and formally took a vote to make a request of the Planning Commission to keep our subdivision designated as Ag. After that testimony and after deliberation, the Planning Commission did support the position that we took and had forwarded to you folks, the Maui County Council a recommendation for Ag. The Planning Director has sent I think two recommendations to you as noted on No. 7 and 8 of the item number. We want to acknowledge and we're very happy that Mr. Spence made contact and we were able to have him come to one of our board meetings and have a discussion. It was a very open and frank discussion about his recommendation. We had the opportunity to engage in that discussion, and we're very thankful that he did so. However, after that discussion at a...the next regularly scheduled meeting we had a pretty comprehensive discussion amongst our board, and I am again here to ask for your serious and favorable consideration of keeping Wailuku Country Estates subdivision designated

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Agriculture. There's...we feel there's a lot of points that will support this position. I will inform you that our board who is by the way elected by the lot owners of the subdivision and the community association, we have very diverse opinions and personalities on that board, but it was unanimous that we supported the retention of Ag. I wanted to make a note that one of our members Ann Emmsley who is a professor...excuse me, an instructor down at the MCC now known as University of Hawaii Maui Campus, and she's the ag instructor down there. And I just wanted to as I wrap up make a note of her comments. Thank you. Many bought their properties up at Wailuku Country Estates because it was designated Ag and because they wanted to farm. As the Ag designation does protect the right to farm, so her request specifically was that we request to stay in that designation. That at least encourages rather than discourages folks to farm even if on a small scale, and these kind of operations may not be big but they do add to island food security and product diversity. Final note seeing that my time is expired, I wanted to make note that the ALISH rating up in Wailuku Country Estates, the vast majority of it is A and B rated, some C is there. We realize and we have had our like you folks, you know, in a deliberative process dealt with and I'll give you a prime example of the right for agricultural activities versus the right for quiet enjoyment and peace on your property. And I can tell you with various board members because we have some that are elected and have gone, we have paid a strong emphasis towards the right for agriculture and we'd like to continue to do so. I'm available for questions. Thank you.

CHAIR BAISA: Okay. Thank you, Mr. Kane. Members, any questions for Mr. Kane? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Thank you for being here Mr. Kane. How much agriculture is going on in that subdivision right now?

MR. KANE: We have a total of 184 lots in the subdivision between the sizes of 2 to 3.9 acres. Of that, we have houses or homes built on approximately two thirds of the property, so a little over 110-120. Many of the lots that are not built on, some have nothing on it except for the former remnants of the macadamia nuts. Many of them are farming, some have no activity. A large majority...and in fact unrelated to this discussion but related to the State Water Commission's discussion on trying to figure out water rights, et cetera, we did a specific and a very comprehensive report, if you will, to them on exactly what kind of ag we're doing in our properties. So we have people doing complete ag on their property. I, myself live there as a personal example, I farm approximately 10,000 pounds of apple banana annually, and I have been for the past three years now. Others are doing smaller scale and very diverse types of agricultural activities. I would say that our subdivision, from the gentlemen estate perspective in the big picture, does not fit the gentlemen estates characterization. It...we have some that have nice big houses and we don't see a problem with it, but our board basically supports and encourages ag. And in fact, we're going through a process of dealing with how are we going to do that. And I heard a gentleman earlier testify about CC&Rs. Our CC&Rs reflect ag as an emphasis, so a lot of ag going on.

VICE-CHAIR COUCH: Okay. Thank you.

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MR. KANE: Thank you.

VICE-CHAIR COUCH: Thank you, Madam Chair.

MR. KANE: Sorry for the drawn-out response, Chair.

CHAIR BAISA: Any further questions for the testifier? Seeing none, Mr. Kane, thank you for being here.

MR. KANE: Thank you, Chair. Thank you, Members.

CHAIR BAISA: And our next testifier will be Mark Sheehan, and Mr. Sheehan will be followed by Irene Bowie. Good morning.

MR. SHEEHAN: Good morning, Madam Chairman, Members of the Council. Glad to be able to testify. I'm speaking today as the...a broker for the company that sold most of the lots out there at Kahakuloa, so I want to just talk about that prospect. My company, Landmark Maui Properties was engaged in it for about five years in selling those 48 lots and subsequently sold the remaining unsold lots. There were 15 at the Cliffs at Kahakuloa. I think there were eight remaining, so we sold most of those lots. There's 245 acres in Maluhia and about 50 acres over at the Cliffs. This proposal to zone 650 acres out there, I don't know where the extra 350 acres comes from. I just want to suggest to you that it's really a bad idea. It took years to sell those lots that were sold very inexpensively for one reason, people were terrified by the road. They would drive out there, the passenger would look over the cliffs and be...by the time they got out there they'd be...say, you know, I don't think we can do this. And they'd see the white crosses on the way, that would sort of rattle them a little bit further. So I spoke to the developers at one point and I said is there any way that you can kind of get this road expanded and there were some expansions. If you've been out on that road, you'll see that there's some...work was done, but there are some places that are impossible to expand. It is because houses are above the road and you would have to dynamite the hill. It would take millions of dollars to do that. So the prospect of increasing the density of housing out there is not a very good idea. Furthermore, there have been serious problems with the water issues there, I don't need to go into those water issues, I think you know that. There's been lawsuits at those projects out there because of the problems with the water. The well failed, on and on. And I don't recall furthermore any discussion in GPAC of a proposal to increase the density in Agricultural zonings, I think that's a much...a very serious _____. I don't think it ever came up in GPAC to consider this kind of an expansion. So I just want to submit to you it's a very poor idea, also for the reasons that Mr. Kane expressed to suddenly change the rules. The reason why people bought those lots out there in Kahakuloa is because they really wanted to...they were willing to put up with the challenge of the road because they wanted to be outside the urban area, they wanted to have larger parcels of lands. Some of those parcels are as large as 20 acres. They wanted the privacy and they wanted to be able to do agriculture. So taking the, taking land out of agriculture I think is really a serious mistake. There was a man who testified here for many years, I haven't seen him for a long time. He used to be a member of the Longshoremen's, his name was Jimmy, and he would always

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come here and say when the boats stop coming, who's going to feed us? And I think what we want to do ...(inaudible)... everything we can to encourage people who have Agriculturally zoned properties to take advantage and to use their Agricultural zoning and not to downzone...or to up zone those to Rural. Thank you.

CHAIR BAISA: Thank you --

MR. SHEEHAN: Any questions?

CHAIR BAISA: --very much, Mr. Sheehan. Members, questions? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Thank you for being here, Mr. Sheehan. Couple things, one is the same question I asked Mr. Kane, how much ag is going on in those lots right now?

MR. SHEEHAN: Quite frankly, I haven't been going out there for the last ten years, so I can't really tell you.

VICE-CHAIR COUCH: You're scared of the road?

MR. SHEEHAN: I'm scared of the road. I drove out there 100 times, I survived to tell the tale, and I haven't been going out there recently so I can't really tell you. But I have to say as I drive around I see more and more agriculture. I go to the Hawaii Farmers Union meetings and so on, and agriculture is enjoying a renaissance from Haiku to Kahului to Kahakuloa.

VICE-CHAIR COUCH: Okay. One of the things that I noticed on some stuff going around that everybody's concerned about, if it goes to Rural that the density will go down. When the GPAC was going through all this, we only had our Rural two and Rural half or Rural one and Rural half acre lots. We now in the Planning Committee have come up with Rural-10 and Rural-5 acres, and I will certainly ask Mr. Spence what his recommendations are for there. But I can certainly see going to Rural as long as they're...the density doesn't increase. I, like you, don't want the density to increase, but if they're not doing any ag there then on a use basis it might be better to make them a Rural as opposed to an Ag if they're not doing Ag. That's why I'm asking.

MR. SHEEHAN: I'd certainly like to know why it's being proposed in the first place.

VICE-CHAIR COUCH: Right.

MR. SHEEHAN: But I'm against the risks of increasing the density out there.

VICE-CHAIR COUCH: Well keep in mind that if it goes to Rural-10 or Rural-5, you can't increase the density.

MR. SHEEHAN: Yeah, okay.

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VICE-CHAIR COUCH: Okay, thank you.

MR. SHEEHAN: Thank you.

CHAIR BAISA: Any further questions for Mr. Sheehan? Seeing none, thank you very much.

MR. SHEEHAN: Thank you.

CHAIR BAISA: Our next testifier is Irene Bowie, and she'll be followed by Anna Kahalekulu. Good morning.

MS. BOWIE: Good morning, Chair Baisa and Committee members. I'm Irene Bowie, Executive Director for Maui Tomorrow Foundation, and I'm also a resident of Kahului. There are currently over 6,000 entitled units planned for Central Maui over the next 20 years and another over 4,000 proposed units, so that's a total of over 10,000 units that potentially could come into our Central Maui area. Growth like that will put many stressors on our urban core, and we need to plan wisely so that our quality of life is maintained for our Central Maui residents. On Page 8-15 of the Directed Growth Chapter, under Challenges and Opportunities, one key issue identified was loss of community identity and boundaries in Central Maui. And I hope that you all received a map that shows proposed Urban Growth Boundary. I'm not sure if you got that before the meeting began, but if not, you'll get it afterwards. Central Maui is identified as one of the fastest growing regions on Maui. On Page 8-15 it states that these lands...as these lands become urbanized, the region's individual towns begin to blend together and lose their unique identities. To prevent this from happening, a clear separation must be maintained between the area's four sub-regions. The Directed Growth Chapter suggests that this could be done through the use of regional parks, greenways, and protected areas. The GPAC maps for Central Maui had urban growth boundaries for Wailuku and Kahului with a greenbelt running in between, but the Director's current version of the Central Maui map has lost any boundary between the two towns. Maui Tomorrow supports the GPAC version with these UGBs running from Keopuolani Park at Waiehu Beach Road continuing up along Mahalani Street to Maui Lani Parkway and on to the entrance of Wai'ale Reservoir. The reservoir is an area that could provide open space and walking trails for residents, adding much needed recreational opportunities for our growing urban population. It would also ensure that a natural area for waterfowl nesting at the reservoir is preserved. UGBs running along this area also fit well with the Directed Growth Chapter's call for easy connections to the natural and built environment in order to promote health and wellbeing. The Kahului Urban Growth Boundary would end at Maui Lani's village mixed use along Kuikahi Drive, and Wailuku's UGB would end at the Wai'ale Project. We also ask that the Central Maui...that Central Maui have a comprehensive multimodal transportation master plan ready by the time our community plan discussions begin. Along with connector roads and increased traffic signals we need dedicated bike lanes throughout Central Maui. Many areas of Central Maui have incomplete or no bike lanes or areas without sidewalks. Greater effort should be made to encourage people out of their automobiles and onto healthier choices. Perhaps our median strips along Kaahumanu Avenue could be turned into dedicated lanes saving landscape

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maintenance costs and providing a much safer route for cyclists. Central Maui has given up so much for Maui's growth and now is our opportunity to make Central Maui--already our urban core--a desirable and healthy place to live. Details such as how Central Maui will deal with its increased population in regards to additional schools, water resources, and wastewater treatment must be factored in to the Maui Island Plan. We can't wait the additional years it will take to make these decisions at the community plan level, especially as we continue to allow large scale development to take place in the meantime. And just in closing I'd like to point out an article that was in yesterday's *New York Times* about Los Angeles. Los Angeles lives by the car but learns to embrace the bike. And it says under the bike plan approved by the city in March, 2011, Los Angeles pledged to build approximately 1,350 miles of pathways, dedicated lanes, and streets that were deemed bicycle friendly over the course of the next 30 years. There were already 350 miles in place at the time the plan was approved. So I think Maui, you know, if LA can do it, we certainly can step up to the plate. And I thank you for your consideration.

CHAIR BAISA: Thank you very much, Ms. Bowie. Members, questions for the lady? Seeing none, thank you so much. Our next testifier will be Anna Maria, and she'll be followed by Ke'eumoku Kapu.

MS. KAHALEKULU: Aloha kakou. My name is Anna Maria Kahalekulu. I am a resident and lineal descendant of Upper Waiehu. I'm testifying today to first thank you. Thank you to the Council and to the Planning Director for adding in the preservation in Sensitive Lands as well as the Greenbelts and Greenways in the newly proposed Central Maui maps. However, I do have one issue that I do want to bring to your attention as well. And that is that the entire ahupuaa of Waiehu should be recognized as its own entity separate from Wailuku, and not only the Waiehu Kou Subdivision should be Waiehu. The area is comprised of many established neighborhoods, Upper Waiehu, Waiehu Kou, Lower Waiehu, Ocean View Estates, Waiehu Terrace, as well as Paukukalo. In the past, Waiehu was its own traditional village established around the freshwaters of Waiehu Streams and Kou Streams, and it had its own Moololo...it has its own Moololo and wahi pana that are integral within Na Wai Eha but that also speak to Waiehu's own rich past. Today, the area maintains small town structure and that is similar to those recognized within Maui's other traditional villages. There is a community center, parks, a church, a preschool, and cultural centers like Ke Kahua and the County's newly acquired land at Kaehu Bay. Ag buffers like the Iao Stream Cultural Corridor should be added to define Waiehu's sense of place. The concern that I have is that under the Wailuku designation the area has the potential for future urban infill, especially in Upper Waiehu, and the integrity of the remaining prime and productive agricultural lands could be lost. Also, the specific needs of the area may not be addressed now or in the community plan phase. I testify today as an individual but I know that I'm not alone. Waiehu is a source for many and their voices should have their own platform as well. Thank you for your time.

CHAIR BAISA: Thank you very much. Members, questions? Seeing none, thank you very much. Our next testifier is Ke'eumoku Kapu, and he'll be followed by Lloyd Sodehani. Good morning.

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MR. KAPU: Aloha mai kakou.

CHAIR BAISA: Aloha.

MR. KAPU: Ke`eaumoku Kapu . . . (spoke in Hawaiian). . . One thing I want to say is if it ain't broken, don't fix it. Don't even try to fix it. What I come here today basically is to introduce myself as a representative of the Aha Moku Council. This is a council that was formulated in 2006, signed by Linda Lingle in 2007, and right now in legislation going through the final approval and last final signature by the Governor on H.B. 2806, the recognition of the Aha Moku Council system. What this council system is all about is to try to take all, each mokus into different perspectives. So as of 2011, June...February 7, 2011 the Aha Moku Council systems of Maui has been formulated. We are comprised of six committees, land, ocean, water, shorelines, burials, air, and all these committees are comprised of each representatives from 12 mokus on Maui from Kipahulu, Hana, Kaupo, Kahikinui, Honuaula, Kula, Lahaina, Kaanapali, Waihee, Hamakualoa, and Hamakuapoko, and Koolau. I think I named all 12, that's pretty good. So being that that's the case, there is people that live in these general areas that really need to be considered, people that are part of this so-called creation of these committees. And these committees are comprised of individuals of traditional and generational knowledge of land and ocean practices. I would highly consider that this body really look into a consultation process from these individuals that dedicated their time for the past six years to help the County, to help the State and the Federal government to find true solutions on what sustainability is all about. You know I kind of choke up listening to the last testifier saying that we should take examples or . . . (inaudible). . . examples that comes from LA. This is not LA, this is an island. We should consider island management thinking, and if we can do that and we can get with the kupa aina, the kupa aina of this place and really sit down and really narrow out the types of changes for the benefit of the people that live here then we'd be able to do something, we'd be able to go someplace. We need to take care of people that live here now. What I see, the changes are coming. Agriculture and Urban is allowing other people to be a part of this island, and that's all good, that's really all good. But if we cannot fix the infrastructure the way it is now, then if it isn't broken, don't try to fix it. If we have problems that arise at this moment then we need to really consider those kinds of things that'll benefit the people that live here now. So I encourage because this GPAC, I know it echoes the words aha moku, well you're looking at one of the representatives of the Aha Moku. And we've been going through this for the past six years. Been slammed in the mud left and right. The Governor vetoed our bill in 2010, Act 39, but we're alive again on the Governor's desk getting ready to be signed. Molokai is online with the _____. Maui is online with 85 representatives of each moku, and we're awaiting your responses. Thank you very much.

CHAIR BAISA: Thank you very much, Mr. Kapu. Members, questions for our testifier? Seeing none, thank you very much. Our next testifier is Lloyd Sodetani, and he'll be followed by Mike Atherton. Good morning.

MR. SODETANI: Thank you. Thank you, Madam Chair. Good morning, Members of the Council and members of the Staff. My name is Lloyd Sodetani, I represent the Pu'unani Project which is

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located from the corner of Kuikahi Road and...Kuikahi Highway and Honoapiilani Highway going mauka all the way up to Wailuku Heights and going south to the Waiolani Subdivisions that consists of 210 acres, approximately. I'm here to testify again as I did the last time in support of re-designating that area to Rural and Urban for specifically approximate 50 to 70 acres of land that would be designated for a senior residential community on the corner...starting from the corner of Kuikahi and Honoapiilani Highway. That senior residential community would include our affordable housing project that would also provide for veteran housing. Primarily priority will be going to veterans, and I need not testify further on that since I already provided that testimony. I would like to get into the other parts of the project with regard to Rural; however, in the experiences that I'd like to share with you are real that occurred with our neighbors recently. I have submitted written testimony also from our neighbors from the Waiolani Subdivision people in support of the change of designation from Ag to Rural. There's several reasons for that, and much of that has been through complaints that we've received from them with regard to the livestock and dogs barking in the area. I'm sure that many of you have read about recently about that article that the dogs were burnt on that particular property that we own. The person that's operating that farm there is...has livestock, horses, cattle, pigs, and goats. The reason why the dogs were there was because it provided a means of security, an alarm that would allow us to be notified that someone was on the property particularly at about 2-3 o'clock in the morning and we were having poachers basically. I guess somebody was unhappy about that so they did this malicious act. In any event, we have also complaints about dust and noise and what have you. And obviously residential does not mix with agricultural operations, particularly if the residential units are downwind of the ag. Now we've also had this proposal from the Water Director, previous Water Director Jeff Eng to replace some of that water from Shaft 33. I'm sure all of you are aware of the problems that we have with Shaft 33. Approximately five years ago we came up with this agreement and it's been sitting with the Administration for all these years. We conducted a study of the land area that we own and the experts Mink and Yuen came up with the recommendation that we sink a well just mauka of that punawai that is off of Kuikahi. We would be able to pump out 2 million gallons a day which would be a form of replacement for that 5 million gallons that's coming out of Shaft 33 right now. We proposed and this is what the Director had recommended, that we retain approximately half a million gallons a day and give, we would donate the 1.5 million gallons a day to the County. In addition to that we would donate the well and that water tank, all of the infrastructure that goes along with it to the County of Maui. Now currently with the 210 acres of land that we have, the County Water Department tells us we need 1 million to 1.2 million gallons a day to sustain that farming operation. If we were to sink that well we will no longer need that 1 million to 1.2 million gallons a day. We have surface water coming through the property which we use currently, and I can tell you right now briefly, the land that we are using now for agricultural purposes has not been profitable, it's been in the red for the last five years, I can tell you, and it's hard being a farmer. I tell you this because I see the books every month and every month we have more expenses going out than income. Thank you very much.

CHAIR BAISA: Mr. Sodetani, you're going to have to wrap it up please.

MR. SODETANI: Yeah. That's all I've got to say. Thank you very much, Madam Chair.

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CHAIR BAISA: Thank you very much. Members, questions for our testifier? Seeing none, thank you very much.

MR. SODETANI: Thank you.

COUNCILMEMBER VICTORINO: Madam Chair? I'm sorry. Madam Chair?

CHAIR BAISA: Oh, I'm sorry, Mr. Victorino, I missed you.

COUNCILMEMBER VICTORINO: I know we way down here but it's okay, Madam Chair.

CHAIR BAISA: At least you're not in the south 40. Thank you.

COUNCILMEMBER VICTORINO: Okay, south 40, thank you. Mr. Sodehani, I'm curious, you know, this senior veteran housing that you're intending to locate at the corner of Honoapiilani Highway and Kuikahi, how many units would be involved in that? And again as we've discussed, the traffic situation in that one particular area?

MR. SODETANI: Initially we're looking at about 200 to 250 units. This is for independent living. It'll be comparable to what...how Hale Mahaolu operations, and I have been coordinating with the director of Hale Mahaolu to ensure that we could come up with a program that would be viable and feasible for our senior citizens in the community, particularly our veterans.

COUNCILMEMBER VICTORINO: Okay. Thank you. Thank you, Madam Chair.

CHAIR BAISA: Okay. Anybody else? Seeing none, Mr. Sodehani, thank you very much.

MR. SODETANI: Thank you.

CHAIR BAISA: Next testifier will be Mike Atherton, and Mr. Atherton will be followed by Lucienne de Naie. Good morning.

MR. ATHERTON: Good morning, Madam Chair, Council. My name is Mike Atherton. I'm the developer of Waikapu Country Town. I'm here this morning to support the Planning Director's recommendation and to answer any questions if there are any today. Thank you.

CHAIR BAISA: Thank you very much, Mr. Atherton. Members, any questions for Mr. Atherton at this point?

MR. ATHERTON: Thank you.

CHAIR BAISA: Not at this time, Mike. Thank you. Our next testifier is Lucienne de Naie, and she'll be followed by Johanna Kamaunu. Good morning.

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MS. de NAIE: Good morning, Madam Chair. Good morning, Committee members. My name is Lucienne de Naie. I have a little pink sheet I passed out, so it's one sheet with my testimony. I'm testifying on behalf of the Sierra Club Maui group today, they asked that I come down and make some points. I started out my testimony by doing a quote from back 40 years ago, the last time that...the first time that we had a General Plan for the Wailuku-Kahului area. And a very beautiful plan, and they acknowledged then that man, it's tough to make these planning decisions and nothing has changed. So just to put in perspective you folk's work. I'd like to comment on some of the directed growth maps. First of all, the Council and public should be aware that several of the large areas now proposed to be shown in growth boundaries and these are the Ag to Rural conversions were or one Ag to Rural and one new inclusion. They've had no public review or discussion. We've had a five year process and these things have never been brought up. So this is the Rural at Kahakuloa at the Maluhia Ranch Estates, never discussed. So if it's such wonderful idea, like, we've had five years, why has it never been discussed if it's really the good idea? Also, we would request that the--because of this and because these new things are being proposed--that the Council respect the groups from Waihee, Waiehu, Wailuku, Waikapu, and Kahakuloa community that comment on these changes and should take their recommendations seriously, and I hear that you're going to. Also, we would ask that the Council request that Staff work with community groups such as the Aha Moku Council to determine the accurate mapping of things like sensitive lands and preserve areas within communities. There's a lot of knowledge in these councils, and I've attended some of their meetings, amazing the depth of knowledge. I did include with my presentation a map from the same 1972 report. It's the map of physical constraints. I just thought you folks might find it interesting what were considered the physical constraints in 1972. This was a Federally funded project so they did quite a bit of research. I know we have state-of-the-art GPS, but I notice that their steep slope lands, 25 percent or more cover a lot more ground than our sensitive lands are showing, and they may want to be included as part of that system. Going on to the specifics. We've heard from Wailuku Country Estates that they want to remain Ag, Planning Commission heard the same thing, but residents, some residents there are thinking that if they become Rural they can subdivide. So really this should be made clear, are these conversions to keep the lots the same size or are they to allow subdivision? Because the residents really deserve to know. On to the Maluhia Ranch Estates. Besides the fact that this was never discussed, 650 acres, Mr. Sheehan testified that the whole of the developed area is 300 acres, so do we need to sort of bless another 350 acres of Rural development out there on this bad road with a questionable water supply? This really seems like it should have some justification. And if we go from like 60-some lots to 300 lots, what are the infrastructure upgrade for police and fire services, private water system, the road, so forth and so on. Last, the Wai'ale and Waikapu area, some area was land added in there for a regional park and a County baseyard, this was never discussed either, and really the communities that weighing in on it I think should be taken seriously. And I agree with Ms. Apana that the regional park that's identified in there really is more like a preserve area, it should be categorized as such, and this is a place where consultation with the Aha Moku Council would really be advised. There's plenty of people with a lot of knowledge of this area that could advise the GPS Division...GIS Division what should be preserved and what should be park. Thank you very much for your consideration.

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CHAIR BAISA: Thank you, Ms. de Naie. Members, questions for our testifier? Seeing none, thank you. And by the way, thank you for the colored sheet. It makes it easier to find in the pile.

MS. de NAIE: Yes, and of course --

CHAIR BAISA: And of course it happens to be --

MS. de NAIE: --it's whose favorite color?

CHAIR BAISA: --it happens to be my favorite color, but, you know, could be green or purple but, you know, it really helps us. We have so much paper.

MS. de NAIE: Well thank you all for your forward progress for putting things back on the map that citizens requested and for meeting the extra time. It is very, very appreciated. Aloha.

CHAIR BAISA: Thank you, and thank you for all your work. Our next testifier is Johanna Kamaunu, and she'll be followed by Kaniloa Kamaunu. Good morning.

MS. KAMAUNU: Aloha, my name is Johanna Kamaunu and I'm from the ahupuaa of Waihee. I hope you have the letter that I brought forward this morning. If I may, I'm just going to go over a part of it. Unwise is the Planning Department proposal to train their attention on the ahupuaa of Waihee by suggesting changes that disrupt and hijack the well-being of a charming and tranquil community. As rather than a member, as a participant of the newly formed O Waihee Ma Community Association and Cultural Center whose basis in the community plan is the protection of and the improvement in the natural and cultural resources of Waihee's ahupuaa and who also defers expertise in those cares to Waihee's multi-ethnic generational residents, it has been raised in discussion that we need to follow the concepts of envisioning Waihee through the perspective of a 100 year vision. Based on that, it has changed the whole way in which we look at planning and directed growth. We envision Waihee as a puuhonua, and as most of you may know, puuhonua is synonymous with heiau, it's a sacred place, but for us today it's a refuge. We look at it as a refuge, and it's a refuge from the swiftly changing moral and ethical standards that bombard us today. As a puuhonua, it should reflect generational values, maintain its cultural landscape, and allow us to live our cultural practices freely. What you attempt to do by the changes that are being proposed by Planning, it eats at the very heart of our plan. It does not protect us, it does not preserve our puuhonua concept, and it does not allow us the opportunity to live our culture freely. And we have expanded that cultural interpretation to mean our multi-ethnic population. What I think might help the Planning Department is in your definition of sensitive area designation to include along with steep slopes and floodplains and all of those things, is to add--I have it down there on your letter--historical, archeological sites and features and cultural landscapes that contribute to and support Hawaiian cultural practice. And that is clearly defined in the Hawaii Constitution, Article 12, Section 7. You know so this is not...I don't see it actually in here, in the plan, and I think if you use these concepts and these thoughts, you might have a better feel for what Waihee is all about and what it's people are all about. And

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one last thing, it was brought to my attention that in the districting of the Aha Moku Council, Kahakuloa is in the Kaanapali district, and so I'm not sure how that works out with your Maui County Plan and how that fits in. But the last thing is that, you know, two people should...two groups of people should be involved in the process of this designated area thing. One is the communities that are going to be impacted by these changes and the other is the Aha Moku Council. And the reason I say Aha Moku Council is because they are...they were created as an advisory board made up of the generational knowledge that comes from site-specific areas. You know it would only make sense that you would include them in this review process. Thank you.

CHAIR BAISA: Thank you very much. Members, questions for our testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. And thank you, Ms. Kamaunu, for being here. Question for you. Did you guys have the testimony at the GPAC? 'Cause what I'm looking at and maybe I'm misunderstanding, the Waihee...there were no changes essentially to the Waihee area. There...it was the same as from the original GPAC, so which changes are you referring to?

MS. KAMAUNU: I think the proposal that is listed on Exhibit A in your communications from Planning, D2.

VICE-CHAIR COUCH: D2. Okay. The Business Town Country on the right-hand side.

MS. KAMAUNU: The terminology that's been used by the Department doesn't fit our community.

VICE-CHAIR COUCH: Okay.

MS. KAMAUNU: And so I give you the ideas, the concepts that we're using to help you figure out a way how that fits in.

VICE-CHAIR COUCH: Great. Thank you. Thank you.

CHAIR BAISA: Any further questions? Seeing none, Johanna, thank you very much. Our next testifier is Kaniloa Kamaunu, and he'll be followed by Jacob Verkerke. Good morning.

MR. KAMAUNU: Good morning, Chair. Good morning, Council. My name is Kaniloa Kamaunu, I come from Waihee Valley. And as I was reading through the paperwork that was offered us outside, they talk about changing us from a country town to a small town, but I see no definition of what the difference is. I see the definition of a "country town" but no definition for a "small town", so how do we compare what is being changed there? I looked through your paperwork and there's none, so there needs to be a definition of, of that. And also I believe on the reading when you look through...it talks about the definitions, and it talks about the fallow...maintaining urbanization on fallow lands I think is what it said. Sorry, I don't...I can't find the paper right now. But I need a clarification of what that means. I don't understand what that...what is that talking about. Maybe more plain English needs to be put into that. But, you know, kind of...some of the things I'd like to put into point, one is again as kuleana and as with the Aha

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Moku, we're not considered in this plan. We have viable vested rights already given to us provided by the contract between the Kingdom of Hawaii and my kupuna. These are legal contracts filled...signed by the people that actually own the properties. So the thing is when these changes are made and things are being suggested, they need to be looked at also on the legal point of view. I mean you're only looking at the plantation, you're not going back far enough, you're stopping at the plantation. The plantation is not the culture of Hawaii, it is a time. It's something that happened in a place of time, it's not the culture. We as native Hawaiians are already wards of the State. Check all the paperwork you want, we are not and we were never naturalized as United States citizens. That paperwork is out there, check it for yourself. We are wards of the State. State and County are our trustees. They're not the trustees of the community or public that is today, you are the trustees of the culture that existed, and by right we have legal...or you're legally bound to make sure that our rights are not interrupted. Look at your own State Constitution, it states Section 12, yeah, VII, Article VII it states that we have rights. And the creation of OHA again states that rights. They created it to protect the rights. Aha Moku they had to protect our rights. So the thing is, when we look at this we're only going so far, you're only going to one point which is the plantation which is wrong. It doesn't include us and that is wrong. And you are legally bound by your office, by your oath to make sure that you apply the rights of the native Hawaiians, the kuleana, the Aha Moku to be able to protect the rights of the cultural citizens and subjects of the Kingdom of Hawaii. That is your responsibility. You cannot dismiss what is going on. You cannot dismiss the iwi that are being pulled up every day on that Safeway Project. You cannot...you cannot, you know, not be aware of what's going on. And also, some of the things where you say that the taro farmers are all on the streams of Waihee, that is not correct. It's throughout the valley. Throughout the valley there are taro patches. To say that they are all located by the stream is not correct. So things need to be looked at in your, in what you have here because it's inadequate. Thank you.

CHAIR BAISA: Thank you very much. Members...Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. And thank you for being here. Just wanted to point out in our last meeting...when was it? In March sometime?

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: We did make changes and we did define "small town", it's in Table 8-2, and we did go through a lot of what you were talking about to make sure that everything was defined. So I don't know if you've got... (inaudible)...

MR. KAMAUNU: I was just referring to the reading I got --

VICE-CHAIR COUCH: Yeah.

MR. KAMAUNU: --this morning out there.

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VICE-CHAIR COUCH: Yeah. In Table 8-2 it defines “small towns” very succinctly. So just so you’re aware that we are being...

MR. KAMAUNU: Okay. ‘Cause you only have Table 8 I think on this.

VICE-CHAIR COUCH: No, 8-2 on there.

MR. KAMAUNU: Okay.

CHAIR BAISA: We’ll be able to supply --

VICE-CHAIR COUCH: Okay.

CHAIR BAISA: --you with one.

VICE-CHAIR COUCH: Yeah, we can supply.

CHAIR BAISA: In fact there’s some right over here by our Secretary.

VICE-CHAIR COUCH: It should be online too.

MR. KAMAUNU: All right.

VICE-CHAIR COUCH: Okay.

MR. KAMAUNU: Thank you.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Further questions for mister...

MR. KAMAUNU: Mahalo.

CHAIR BAISA: None? Okay. Thank you very much. Jacob Verkerke is our next testifier, and he’ll be followed by Glenn Adolpho. Good morning.

MR. VERKERKE: Good morning, Chair. Good morning, Members of the Committee. My name is Jacob Verkerke, I’m here in my capacity as the president of the Waikapu Community Association, and I’d like to start off with asking the members of the association to stand up and be recognized. They’ve been coming to so many of these meetings in support. Thank you very much. I hope you have received a copy of the testimony that I e-mailed. I hope it’s in your binders or on your devices.

CHAIR BAISA: We have ‘em.

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MR. VERKERKE: Thank you. I recognize that perhaps the Planning Department staff may not have received that, so I have a copy...a couple of printed copies that I'd be happy to share with you after my testimony. The Waikapu Community Association is pleased to have another opportunity to presents its views on the Maui Island Plan. The following are the key points of the Association's testimony today. First of all, apply the Small Town Growth Boundary as approved as its last meeting by this Committee for Table A2 of this chapter as shown in the attached proposed map. The proposed area is to be designated for regional parks, preservation, and open space, it must be included in this Small Town Growth Boundary area to protect 'em from future urban development pressures. Second, close the urban growth boundaries at the south boundary of Wailuku and Kahului similar to the GPAC Directed Growth Map also shown in the attached map. Growth boundary alignment as proposed between Wailuku, Kahului, and Waikapu will serve to ensure an open space buffer that will permit very limited buildout in order to maintain distinct and recognizable separation between the urban core of Wailuku, Kahului, and the small town designation for Waikapu. Third, create a hard and protected boundary to the east of the proposed Wai'ale planned growth area by explicitly excluding the entire band of sand dunes located in that area from any development considerations by clearly marking it on the final map as a protection area or by including explicit language in Chapter 8 to establish such a protection area. Four, reduce the protected...projected and permitted quantity of residential units in the Wai'ale and Waikapu...Wai'ale _____ Town and Waikapu Tropical Plantation Town planned growth areas. Wai'ale should be limited to 1,450 new residential units. Waikapu Tropical Plantation should be limited to 800 new residential units as well as up to 80 Rural lots. A small Maui town like Waikapu counting less than 1,100 homes today should not be asked to absorb 4,000 additional homes. And this goes back to the testimony from Irene Bowie. There is enough inventory already to take care of the projected need even with adjusting these numbers. And Wai'ale considers itself part of the Waikapu area based on the language it uses in its final EIS. It's all within...very much within the Waikapu ahupuaa. Fifth, adjust the Urban Growth Boundary southward from Puunene Avenue between Kuihelani Highway and Mokulele Highway to provide for the necessary expansion of the Kahului urban core to compensate for the loss of the area between Kahului and Waikapu from the adjustments recommended in points 1 and 2 and the loss of the permitted residents or units from the adjustment recommended in 4. Six, stipulate that the 325 acres added at the southeast boundary of Waikapu must be master planned in a single comprehensive plan. That plan must direct the location of County baseyard facilities away from the community of Waikapu towards Kuihelani Highway and must direct traffic generated by the proposed large sports field complex away from the community of Waikapu. I also want to comment on something that was said earlier about the Pu'unani development. Mr. Sodehani testified that there is support from the neighbors. The board of Waikapu Community Association includes board members of the Waiolani Homeowners Association. I've been involved with the board for the last three to four years. At no time has there been any mention of any communication or interaction between Mr. Sodehani and members of the Waikapu community. So his claim that there is support for the development, perhaps it's based on a few individual homeowners but it doesn't at all represent the views of the community. The community is quite concerned about maintaining that open space buffer between Wailuku and Waikapu as it is shown in the various versions of the maps. We are not at all in favor of turning

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that...including in that any kind of rural boundary, but very much want to leave that as a distinct boundary between Wailuku and Waikapu. Thank you very much.

CHAIR BAISA: Thank you, Mr. Verkerke. Members, questions for Mr. Verkerke? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Mr. Verkerke. When you turned this in, did you turn it in as a color version of the map? 'Cause it's hard to determine.

MR. VERKERKE: Yes, I did.

VICE-CHAIR COUCH: Okay. Well then I'll take a look at the...all right, thanks.

CHAIR BAISA: Mr. Verkerke, I'm looking at a petition that was signed and given to us this morning. The number of people who say they are undersigned residents and owners of Waiolani, Waiolani Pikake, and Waiolani Mauka. In regards to the Pu'unani Project, you're not aware of this?

MR. VERKERKE: No, I'm not.

CHAIR BAISA: Okay. Well we'll take a look at it later. Thank you.

MR. VERKERKE: Thank you.

CHAIR BAISA: Any further questions for our testifier? Seeing none, thank you.

MR. VERKERKE: Thank you.

CHAIR BAISA: Our next testifier is Glenn Adolpho, and he'll be followed by Uilani Kapu.

MR. ADOLPHO: Aloha and good morning, Madam Chair Baisa and Members of Planning [sic] Committee. My name is Glenn Adolpho, I'm also a board member of the Waikapu Community Association, and I'm also a resident of the Waikapu Gardens Subdivision. I'm here to support the testimony and proposal by our president Jacob Verkerke. This is a comprehensive summary of a lot of meetings that went on in our community with the board and community members in trying to balance between development that's coming down to Waikapu as well as trying to maintain our small town identity. I ask you to consider all the six points that he has put down, they represent a good summary of what our community has discussed for the past four-five years. Also, to maintain the Small Town Growth Boundaries and include the other areas that he has outlined in the map including other communities for Waikapu as well in the small town growth areas. To make sure that there's distinct boundaries between Kahului, Wailuku, Maalaea so that Waikapu will not get absorbed and disappear in the urban sprawl development that's about to come, and there's a lot. There's shopping centers, there's housing units by the thousands coming up, so we could easily get swallowed up with the urban development that's coming. Waikapu is a small town rich in a lot of agriculture history. We're trying to maintain our unique identity, and again, we ask your support on behalf of the Waikapu Community

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Association. The keys, the key points outlined by our president Jacob Verkerke are well made and well supported. And in closing, I'd just like to thank each and every one of you for your hard work in pushing this forward. I know it's been a long road with the Maui Island Plan and we appreciate your efforts. And in closing, I just want to say mahalo for giving me this opportunity to testify.

CHAIR BAISA: Thank you. Thank you very much. Members, questions for the testifier? Seeing none, thank you very much.

MR. ADOLPHO: Mahalo.

CHAIR BAISA: Our next testifier is Uilani Kapu, and she will be followed by Charlie Jencks.

MS. KAPU: Aloha, Council. My name is Uilani Kapu. I am here just to make that correction about Kahakuloa. The cutoff district for Wailuku area is Makamakaole, and from there to Kekaa is Kaanapali. The people that sit within that moku for the aha moku system, Uncle Philemon Sadang is our head for Kaanapali. Kupuna Kaina is second. Richard McCarty and there's four of them that sit on that council and I can't think of the fourth one right now. But I will let them know that this is coming about. I do not like that plan for Kahakuloa only because of the roadways, it's too dangerous with, in that area, and for that amount of housing that is not a suitable place for it. Also, I would like to identify myself as the representative for Lahaina. I am the contact person but our chairperson is Kamaka Bancaco, Makalapua Kanuha, and John Meston is our fisherman. What we do is we work from mauka to makai, and everybody that heads within those chairs takes a portion of it. And we will have flyers and I apologize for not having our flyers today. We had to make a few adjustments with some names that have just been placed on each moku, but we are management steer heads. We do have meetings once a month with every individual of person of the islands, and we are going to be researching this General Plan and making our suggestions as needed. So mahalo. Aloha.

CHAIR BAISA: Thank you very much. Members, any questions for the testifier? Seeing none, Uilani, thank you. Our next testifier is Charles Jencks, and he'll be followed by Mitch Skaggerberg.

MR. JENCKS: Good morning, Madam Chair and members of the Committee. I'm here to testify on behalf of II Wai Hui, Endurance, LLC, and Towne Development on the Pu'unani Project. I sent you all a letter this last week, I hope you had a chance to look at it, review the maps and the text. Basically just a couple of items here. The proposed Urban Growth Boundary Map proposed by the Department in the Maui Island Plan includes a 53 acre urbanized area at the intersection of Kuikahi and H'Piilani Highway. That 53 acre isn't large enough to accommodate the type of product that Lloyd Sodeani talked to you about earlier today, senior housing, veteran housing, and market rate affordable housing and a multifamily product profile that would need to be developed. We need to account for parks, drainage, and also a buffer from the highway to screen adequately the units away from the highway so you don't have the same interface that you do today with Waiolani for example right on the highway, and then we can preserve the vision to

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the West Maui Mountains. If you take the 70 acres we're proposing and reduce that by 20 percent, which is a good ratio for reducing down to a net acreage for residential, you're down to 54 acres, so you're pretty close to the 53 on a net basis the Planning Department has proposed. We're suggesting 70 acres for that bubble of urbanization, that the balance of the land that's owned by the partnership be put into a Rural designation so that you can control the uses that we've talked about a couple of times here today earlier already with regard to ag and urban activity. Waiolani is not a rural community, it's urban, it's urbanized by the State Land Use Commission. You can call it an urban small...a rural small town but in fact it is an urban community urbanized by the State Land Use Commission and given an Urban zoning designation. So what we're trying to do is accomplish a reasonable size for the urban area for a suitable amount of multifamily housing that's needed in the Wailuku area. Take the balance and put it in a Rural designation using the Rural Growth Boundary so you can control the activities and uses in that area to provide a proper transition from Kehalani to Waiolani and the Waikapu community which is farther south. That's our recommendation, we've discussed it with you. The water was talked about by Lloyd, we are fully committed to that program, providing water to the County, dedicating the system to the County and also providing the water for the project. We're looking at 650 maximum units in this area, a combination of Rural half acre, one, and two acre parcels, two acres as you transition to Waikapu area, and then of course the 450 that would include the veterans and senior product that Lloyd talked about earlier. We think it's a good way to implement a plan that provides a proper transition and also accomplishes the goals of the overall community. Any questions?

CHAIR BAISA: Thank you very much, Mr. Jencks. Members, questions? Mr. Couch.

VICE-CHAIR COUCH: Madam Chair, we're going to be able to have --

CHAIR BAISA: Yes, absolutely.

VICE-CHAIR COUCH: --a resource later?

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: All right, thank you.

CHAIR BAISA: I'm sure that you'll be available?

MR. JENCKS: No problem.

CHAIR BAISA: Yes. Any other questions? Seeing none, thank you very much, Mr. Jencks.

MR. JENCKS: Thank you.

CHAIR BAISA: Mitch Skaggerberg, and he'll be followed by Mary Traynor.

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MR. SKAGGERBERG: Good morning, Council.

CHAIR BAISA: Good morning.

MR. SKAGGERBERG: I am going to submit my testimony in writing, so I just want to let you know that. Several other things have come up that...but I am here to represent the Maui County Veterans Council, so I will do that in writing. And based on some of the other things we've heard, we may want to make recommendations, other changes to that. We have our council meeting today so I'll bring that up. So thank you.

CHAIR BAISA: Is there a specific project that you're referring to, Mitch?

MR. SKAGGERBERG: Pu'unani. Pu'unani.

CHAIR BAISA: Pu'unani, okay.

MR. SKAGGERBERG: Yeah. Okay.

CHAIR BAISA: Members, questions? Mr. Couch.

VICE-CHAIR COUCH: Yes. Would that be in support of or in opposition to?

MR. SKAGGERBERG: The initial is in support of but we want to make some alterations depending on what we hear today. I think we have to bring it up to our council and frame that support perhaps differently.

VICE-CHAIR COUCH: All right, thank you.

MR. SKAGGERBERG: Okay, thank you.

COUNCILMEMBER VICTORINO: Chair?

CHAIR BAISA: Thank you very much. It would be nice if we could have that written tomorrow.

MR. SKAGGERBERG: Yeah.

CHAIR BAISA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. You took the words out of my mouth because --

CHAIR BAISA: Yeah.

COUNCILMEMBER VICTORINO: --I was going to say we don't have time, you know, if you're going to have a council meeting next week, we need to get that . . .(inaudible). . .

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MR. SKAGGERBERG: We'll have it today.

COUNCILMEMBER VICTORINO: Okay, thank you very much.

MR. SKAGGERBERG: Yeah, thank you.

COUNCILMEMBER VICTORINO: That was my question for Mitch. Thank you.

CHAIR BAISA: Yes, and thank you, Mr. Victorino. You know we're...time is of the essence here. We're at this point where we're going to have to make decisions, so please if you want to get something to us would you please get it to us ASAP. Thank you very much. Our next testifier is Mary Traynor, and Mary will be followed by Pualani Kamaunu Basbas. Good morning.

MS. TRAYNOR: Good morning, everyone. I first wanted to thank the General Plan Committee for scheduling these special meetings to work on the Maui Island Plan. I would also like to thank the General Plan Committee and Planning Director Will Spence for including the Small Towns, Greenways, Greenbelts, and Sensitive Lands in the Central Maui maps. Also, thank you for providing the adopted Table 8.2 today. If you could please also post that online, that would be awesome since it is so pertinent to the maps we're discussing. And the first concern I want to talk about today is the concern I've already expressed around the Kahakuloa and Wailuku Country Estates proposed revisions to the growth boundaries. I am concerned about the Ag land conversion to Rural, and a couple questions I would like to put forth to you is what laws are in place to prevent half-acre subdivisions from proliferating? What will prevent our countryside from turning into a sprawl of half-acre lots? And what laws will protect our ag lands from speculation if these proposed revisions are approved? It is crucial that we protect our ag lands, and I'm concerned about their protection especially since the ag overlay districts were struck. I implore the Committee members to please reconsider inserting Map 7.1 back into the policy statements that it was removed from in Chapter 7 because Map 7.1 identifies the ag lands that we need to protect. I would next like to express my thoughts on Waikapu Town Center, and I support the Planning Director's proposed revisions to change the growth boundaries from Urban to Small Town because it is my understanding that it is very important for Waikapu Community Association to maintain its small town identity. In Central Maui there are currently 6,108 entitled units and 4,227 proposed units. This makes a combined number of 10,335 potential units for Central Maui alone. Besides the basic infrastructure issues that you'll be dealing with, I think it's really important to include some kind of protection against urban sprawl when you're talking about this kind of density in this area. I beseech the Committee to preserve greenbelts between the communities of Wailuku and Kahului, and between Wailuku and Waikapu. In regards to the regional park, protected area, and County facilities, I would like to see more details about this proposed project, because I've only seen a vague description of it in Exhibit A of the Planning Director's proposed revisions. I also want to know what will happen to this land if the project falls through. I believe it is important to include a detailed written description of the regional park protected area and County facilities complex in the Wailuku-Kahului planned protection area of the Maui Island Plan, so I beseech you to write that. Thank you.

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CHAIR BAISA: Thank you very much, Ms. Traynor. Questions for our testifier? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. And thank you, Ms. Traynor, for being here. You asked one of the questions as what laws are in existence, and I as I mentioned to I think Mr. Sheehan, we do have Rural-10 and Rural-5 that came through our Planning Committee. And I, like you, do not want to see any further density added to that. I believe the reasoning--and again I will be asking the Director--is for actual use as to what's going on there as opposed to density requirements. 'Cause I don't think the Council--and I can't speak for the rest--are interested in increasing density in those areas.

MS. TRAYNOR: Great.

VICE-CHAIR COUCH: So we do have laws on the books for that.

MS. TRAYNOR: Great. Well thank you for supporting that, and thank you for clarifying that with the Planning Director.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Any further questions for our testifier? If not, Chair would like to thank you very much, Ms. Traynor, for all the work that you're doing on the Maui Island Plan. I follow you closely on Facebook and I see all the work you're doing. I was so excited to have you out in Haiku the other night with your live feed, and thank you for all the help. You know when we started this General Plan process, one of the concerns I had was how are we going to get the word out to the people, and we didn't have a budget to do that and it's kind of difficult from our perspective. But I want to thank you and all the people that are working really hard and having all these meetings and all of the information in getting the word out to the people. So mahalo nui.

MS. TRAYNOR: You're very welcome, Gladys. It's my pleasure, and I think it is important for the community to know and that's why I have taken it on. And I will be live streaming Kula/Makawao meeting tomorrow night, too.

CHAIR BAISA: Wonderful. We'll all be there.

MS. TRAYNOR: Great, perfect. Thank you.

CHAIR BAISA: We have Ms. Pualani Basbas, and she'll be followed by Jlorra Savala. And these are the last people that have signed up to testify. I realize, Members, that we're getting into our break time. Would you like to complete testimony first?

COUNCILMEMBER VICTORINO: Complete testimony, Madam Chair.

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CHAIR BAISA: Okay. All right, we'll go ahead. Good morning and thank you for coming.

MS. BASBAS: Good morning, Madam Chair Baisa. And good morning to our Council members. Thank you for having us to be able to give our testimony in regards to the, what's on the agenda this morning. Before you I have I believe my testimony. I also have that second page is a testimony from one of our community members, and I...he wasn't able to be here 'cause he's working and so I said that I would pass it on to you folks.

CHAIR BAISA: Thank you.

MS. BASBAS: Thank you. And I am Pualani Kamaunu Basbas, I'm president at O Waihee Ma Community Association and Cultural Center, and also a resident of Waihee ahupuaa. As the president of O Waihee Ma Community Association and Cultural Center I'm here today on behalf of our Community Association and Cultural Center to oppose the Planning Director's proposal to change the Maui Island Plan 2010 maps as well as the rezoning. Reviewing these maps proposed by the Planning Director definitely puts us on notice, and there our Community Association And Cultural Center wants to let the Planning Director and the County of Maui know that we say no to the changes of the Maui Island Plan 2010 maps as well as the proposed changes in zoning for our area Waihee which includes Waiehu and Kahakuloa. And we have been meeting as a community association. We also want...our concern is about preserving our history. Waihee actually has a very rich history that not many people know about, and Queen Kaahumanu, actually, grandmother was the owner, Haalou of the Waihee ahupuaa. And also we want to preserve our cultural resources and therefore we're asking if there'll be...the last cultural review was done in the 1990s, and so we want to know that's going to...if we're...any more would be required in the future, especially when we're having all of these changes being made. We want our lands to remain Agriculture and not Rural. We don't want a four-lane highway either, and we want Waihee waters to stay in Waihee. In summary, we want responsible land use that will enhance the character and identity of Waihee. Keep country country. Preserve and protect our ahupuaa as a living cultural center. Protect our kuleana lands. Protect our farmers. Protect our way of life in Waihee. Protect and support kalo farming. Promote and support traditional farming, farmers market, et cetera. And promote and support traditional fishing. Promote and support gathering practices from mauka to makai. Promote and support an open space Cultural Educational Center for our children and youth, a way to keep our children in Waihee instead of being bused out somewhere else. Ensure a healthy ecosystem, clean air, and clean water. Ensure open spaces. Ensure adequate spaces for forests and conservation. And preserve and protect our prime agriculture soils. The Planning Director's proposal in changing the Maui Island Plan 2010 maps and rezoning is in direct conflict of what we want our community and cultural center to look like. Theory statement, people in our community create the community we want to live in, not government. Mahalo.

CHAIR BAISA: Thank you very much, Pualani. Members, any questions for our testifier?

COUNCILMEMBER VICTORINO: Chair?

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CHAIR BAISA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And thank you, Ms. Basbas, for being here. Just for clarity and I know there's some confusion out there in the public. Your association is a different association than the Waihee Community Association, that's correct?

MS. BASBAS: Yes.

COUNCILMEMBER VICTORINO: Okay. So I want that clarified on the records because this is very important. Because you have what Dave asked for, you folks are asking for, and the other group that's asking for. There's actually three groups in Waihee that are asking for different things at this point. And has an attempt been made--and I know we talked about this earlier--to get all three groups together to sit down in the near future and start to collaborate together?

MS. BASBAS: Well that is the hope that --

COUNCILMEMBER VICTORINO: Yeah.

MS. BASBAS: --you know everyone coming together regardless if we have differences, but we all need to come together.

COUNCILMEMBER VICTORINO: 'Cause it's one community and you all live there, and you all have to live and share.

MS. BASBAS: Exactly.

COUNCILMEMBER VICTORINO: And all of you have what I call very good and terrific perspectives on what you want from your community, but I really believe that there's not that many big differences. You need to sit down --

MS. BASBAS: Right, exactly.

COUNCILMEMBER VICTORINO: --and...okay. So just so that we're clarified on that. Thank you.

CHAIR BAISA: Mr. Couch, did you have a question?

VICE-CHAIR COUCH: Thank you, Madam Chair. And Mr. Victorino asked most of the questions. I'm checking again on the maps that...the comparison maps that we have all the way around, and the...it appears that the...what you're concerned about is the Small Town Boundary there for the D2?

MS. BASBAS: Well actually I'm concerned for the whole Na Wai Eha basically. That's what we're concerned about as we had our community meeting. I mean that's what we're concerned about is that especially when you're taking out the sensitive areas. I mean you look at, you have

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reserves, you have conservation, how is that going to impact, you know, those areas as well as like I said our historical resources as well as our culture resources in that area and our identity as Waihee?

VICE-CHAIR COUCH: Okay. 'Cause I'm just looking at the maps and it looks like that the boundaries are around existing, it doesn't look like there's any expansion, but of course the detail on the maps isn't that high. And I will check with the Planning Director. And I think what they're trying to do is to say what's existing is what's going to stay as opposed to expanding, but again, I will check with the Planning Director to make sure that that's what his intent was.

MS. BASBAS: Right.

VICE-CHAIR COUCH: So and that's what we're trying to do is we're trying to say this is, you know, this is as much as you can grow and then --

MS. BASBAS: Right, exactly.

VICE-CHAIR COUCH: --if it's all existing there then that's --

MS. BASBAS: Right.

VICE-CHAIR COUCH: --fine. Okay, thank you.

MS. BASBAS: Okay, thank you.

CHAIR BAISA: Further questions for our testifier? Seeing none, thank you very much.

MS. BASBAS: Thank you.

CHAIR BAISA: Our next testifier is Jlorra Pualani Savala, and we have two more people signed up. Members, you still want to go?

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: Yeah.

CHAIR BAISA: Okay. So our next testifier will be Dick Mayer following Ms. Savala. Good morning.

MS. SAVALA: Good morning. Aloha, Madam Chair Baisa and Council members. As the secretary for O Waihee Ma Community Association and Cultural Center, I am opposed to the changing of the maps and rezoning in Waiehu and Waihee. These areas that I am opposed to are from Upper Waiehu to Waihee Valley and as far as Kahakuloa. I was born and raised from Upper Waiehu to Waihee Valley and these sensitive areas are areas we were taught to respect and to remember my

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kupuna, from my kupuna who have passed on. As I have studied my grassroots, due to the already many changes in Waihee as well as Waiehu, I have come across the saying on my great grandfather's Kaawa's Royal Patent which is "This aforementioned kuleana and all rights pertaining to it have been conveyed onto aforementioned Kauhi and his heirs, representatives, and assigns, forever. We shall be responsible for defending should our right be opposed." Therefore, I am here willing...fulfilling my responsibility as an heir defending our right as kuleanas both of Waiehu and Waihee. Mahalo.

CHAIR BAISA: Thank you very much. Members, questions for the testifier? Seeing none, thank you very much. Our next testifier will be Dick Mayer, and Mr. Mayer will be followed by Foster Ampong.

MR. MAYER: Good morning, Chair Baisa --

CHAIR BAISA: Good morning.

MR. MAYER: --Members of the Committee. Several items, I'm going to just go through them relatively quickly. I'm sorry I don't have it in writing. First is with regard to the two large rural...or actually three, I think, two or three Rural Growth Boundary areas, I would urge you not to approve those in Kahakulua, Maluhia area, and also the one above Wailuku that Dain Kane spoke about, Ranch Acres. These areas are...people that bought into those areas bought for agricultural use and with the intent that they would have...spread out between their neighbors, et cetera. I think that if it's put into Rural especially with the word rural growth boundaries, there's an indication that there would be growth taking place there, not static enclosures. So I would urge you to stay away from trying to convert those over. Number two, the GPAC put on the map a separation between Wailuku and Kahului. They drew a boundary line that would mean that Wailuku would have its own growth boundary and Kahului would have its own growth boundary with the separation taking place roughly between the harbor through the MACC area and Keopuolani Park up past the hospital up to the reservoir at the top of the hill. Those lines were actually on the GPAC map, and I would urge you to include that. It would give Kahului and Wailuku for the first time a definition of which is which. There are overlapping sometimes telephone numbers and zip codes and things of that sort. It would make it clear so people feel I'm a member of this community. In some cases, people don't know which community they're even in. Number three, I would urge you to go along with the residents of Waikapu in getting a Small Town designation, and it should include not just Waikapu, the present Waikapu Town but the proposed Atherton Project. And it should also include that area of 300 acres that is now being proposed towards Kuihelani Highway into the swamp. So that, and that whole area should be Small Town not being allowed to go into an Urban Growth Boundary. One project which I strongly feel is inappropriate is the Pu'unani Project, it's come up several times today. And I say that because it would close the gap to a great degree between Wailuku and Waikapu, and I would like to read some numbers and these numbers are, all came from the PowerPoint presentation that the Planning Department presented to you at your last meeting of this Committee. There are at present something like 6,000, over 6,000 units that are presently entitled in the Central Maui area ranging from Hale Mua to

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Piihaha, A&B's own Kahului Town Center. Kehalani still has over 1,100 units that they haven't built out yet. And Maui Lani has over 2,500 units that they have not yet built out, they could build out. Adding to that, the Wai'ale Project and the Waikapu Town Center and Pu'unani as well would mean over 10,000 additional units. The traffic in this...in that Central Maui area is totally unable to handle that volume of housing. So I would urge you to delete Pu'unani, it's not needed and it would just add to the problems, especially as being proposed today to increase it up to six or seven hundred units would be ridiculous. With regard to the 325 acre area that has just been added to the boundary lines just below...between Waikapu and Kuihelani Highway, I would urge you to write wording in there very carefully that the baseyard, the...and what's being called now the County campus be put on the Kuihelani side of that project, and that the greenbelt, the green regional park be put between that base park and...between that park and Waikapu Town, reversing that. And that land should be dedicated and I think the wording should be there for public uses, and I'm going to suggest one particular use that would I think very much needed in that area and that's a high school. Maui and Baldwin High are totally overcrowded. If you're going to add 10,000 houses in that area, you need a space for high school. This would be an appropriate area near all that new development. Lastly, I want to say that I think the Land Use Commission is showing total arrogance to this body by meeting right now while we're speaking and going ahead and approving Wai'ale before it's even been put into an Urban Growth Boundary or not being put into an Urban Growth Boundary. They're trumping what I think is should be the direction you should be giving to the Land Use Commission, and I think it's very inappropriate for them to be doing that. Right now they're meeting down at the MACC doing that on a Monday which they never do before almost in arrogance to what you're charged to do. Thank you.

CHAIR BAISA: Thank you, Mr. Mayer. Members, any questions for Mr. Mayer? Seeing none, Dick, thank you.

MR. MAYER: Thank you.

CHAIR BAISA: Also, I would like to say our next testifier is Foster Ampong. If there's anyone else in the gallery that would like to testify, would you please let us know, because if not, Chair's going to close public testimony after Mr. Ampong. Good morning.

MR. AMPONG: Aloha, Madam Chair, Committee members. Thank you. I'm here for the first time testifying as a representative of an organization. Usually I've come before you as an individual. Today I'm here as a representative and advisor to the Aha Moku of Wailuku. Now I wanted to explain to the Chair and the Committee members a little bit more in depth about who we are and what our purpose and our mission is for. And I think I've nailed it down to two words and that is holistic sustainability. Now the Aha Moku focuses on the management of our resources, and as others have testified I'm speaking from mauka to makai, the very wao akua the skies, the clouds, na iwi o kalani, the stars all the way down to the depths of the sea. And again, this is in the context of resource management. I've heard many testifiers today, I've heard some of the concerns from the Committee members, and what I put together pretty much is that in this plan in the proposals before you today and I suspect this will also be for the other meetings you have

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scheduled in the different parts of Maui, there seems to be a lack of participation by all the stakeholders. And so when you hear the term Aha Moku Council, we are legitimate stakeholders on Maui in the community. And I think, you know, it's fair to say that for the last 100 years the native tenants have been marginalized or excluded from the planning of Maui's growth. Now granted I understand that government receives most of its revenue from the land taxes, from licensing and permits, so I see the...sorry, I was going to say necessity. But I see how development and growth would be promoted, you know, and in some cases, in many cases this is done at the expense of any type of holistic sustainability. And I want to emphasize that word. So we as the Aha Moku are looking at the General Plan, the growth of Maui in a very serious, comprehensive but also a very responsible manner. Because when I say holistic sustainability we're not just talking commercialism, government, special interest, but we're talking about the people. And quite frankly, I've had my differences with Councilmember Dain Kane, but today I really appreciated his testimony, because he touched on it and on the essence. He didn't say it, you know, technically in words but when he talked about Puuohala, he talked about what the community wanted for that little area. Anna Kahalekulu, she talked about the ahupuaa. The Aha Moku Council is talking about the moku, a much larger area. And as we move forward...in ending I'd like to say I'm not in favor of the present plans that's before the Council simply because if we were to endorse this plan and not really take a couple steps back and really engage into the various stakeholders, the native Hawaiians and what their needs and what their concerns are, I don't think we can find the remedy or the resolutions to many of the controversies or injuries that we're facing today as a society. And for me, that is very important, because it means that if we can find the necessary remedies and resolves for many of our injuries that we're right now experiencing then that means we're giving a better future for our children and their children and our moopunas, and that's why I'm involved with this organization. And as I said, this is the first time I've come before officially as a member of any group. As many of you know, I like to do things all by myself. Thank you.

CHAIR BAISA: Thank you very much, Foster. Questions for our testifier? Seeing none, thank you very much. Chair would like to invite one more time anyone who's in the audience who would like to provide testimony this morning. Seeing no one coming forward, Members, without objections, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR BAISA: No objections? Thank you very much. Public testimony is closed.

...END OF PUBLIC TESTIMONY...

CHAIR BAISA: Members, we'd like to take our morning break this morning, it's a little late; however, you could try to be back here at 11:00, Chair would really appreciate that. The meeting is now in recess. ...*(gavel)*...

RECESS: 10:50 a.m.

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RECONVENE: 11:07 a.m.

CHAIR BAISA: . . .(*gavel*). . . Will the meeting of the General Plan Committee please come back to order. Members, thank you for that break and thank you for returning. Chair would like to inform everyone as to the procedure for the rest of the day in terms of time so that you know what your commitment is today, and also for the audience and listeners and anybody else who's participating. What we plan to do is we will break for the noon hour at 12 o'clock, we'll return at 1:30, and it is the Chair's intent that we will recess this meeting at 3:30 today. Tomorrow morning at 9 o'clock we will reconvene, and hopefully we will have more of our Members able to join us tomorrow. When Chair scheduled this, Chair was not aware of the fact that many of the Members will be, being in travel. They had attended the National Association of Counties Convention and so they're not able to be with us this morning. And because this landmark legislation is so important, I certainly would like to have them here in order to participate in the voting. So that's the plan for today and tomorrow. Tomorrow we will put in a full day, there'll be no shortcuts, so please, everybody, plan on 9:00 to 4:30. Okay. So with that, the Chair would like to get back into the review, and I'd like to ask Mr. John Summers from the Planning Department who is going to help take us through the process. Members, this is the first day we're doing this, we will try a process, hopefully it'll work. If it doesn't work, we'll try something else, but we need to get going. Mr. Summers.

MR. SUMMERS: Thank you, Madam Chair. The Department recommend is we...as we move forward with this that we go slow and steady until we get our legs under us.

VICE-CHAIR COUCH: It's not on.

COUNCILMEMBER VICTORINO: It's not on. There you go.

VICE-CHAIR COUCH: There you go.

CHAIR BAISA: John, if you could postpone your remarks for just a minute. Chair forgot to make further announcements. There's just so much paper before me it's unbelievable. Chair...Committee, we're again looking at Chapter 8, the Maui Island Directed Growth Plan. Chapter 8 is notable in part because this is where Maui's first growth boundaries are to be established pursuant to Chapter 2.80B of the Maui County Code. At our last meeting in March, we completed our review of Pages 8-1 to 8-14 of Chapter 8's introductory narrative in the white binder entitled the Maui Island Plan which is this big book which all you guys have. As part of our review we approved Table 8-2 relating to growth boundaries and land use planning types. Today I have provided you with a copy of Table 8-2--that's this pretty one--that includes the Committee's revisions made in March and other nonsubstantive revisions. After opening remarks from Mr. Summers this morning, we will begin our review of Page 8 to 14 and focus on the Wailuku-Kahului region including maps C1 through C3. We will be assisted in our deliberations by both Committee Staff and the Department of Planning personnel who will display relevant documents on the wall for the Members' review. We also have a full press from

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the GIS Department, and again thank you very much for being here. Mr. Summers, if you would now please proceed.

MR. SUMMERS: Thank you. Chapter 8 is divided into two parts. We've completed the first part, we're now beginning the second part which includes the text and the maps related to the directed growth boundaries. I would like to say that if you look at Part 2 it's structured in a way that's similar to the previous chapters we've reviewed. Every section starts with some background information and some challenges and opportunities, and that's followed by the directed growth maps and specific stories related to those maps. So I think if we approach it in a way that's similar to how we've approached the previous chapters, it'll be more comfortable for us. The Members will need three basic pieces of information as we move through the chapter. The first is a set of maps that was transmitted on May 10th and it includes a table. These maps represent the 2010 version of the Directed Growth Chapter with some specific proposals from the Planning Department. The maps relate to a table, so there's a short table that goes along with those maps. So this will be an important piece of information for us all. The second set of information that will be very helpful is what we're calling comparison maps, and these maps compare the four different versions that have been prepared, the GPAC version of the directed growth maps, the Planning Commission version, 2010 Planning Department, and 2012 Planning Department. And of course the third piece is the actual text, the chapter portion. And we've got it projected there on the wall starting with Wailuku/Kahului, the background information. In thinking about how to proceed with this, here are some suggestions for the Committee. We do have two steps, it's sort of a two-step process. The first step being to look at the background narrative, challenges, and opportunities, so the Committee could consider moving forward with a motion to approve that followed by discussion and potential amendments and a vote on the main motion. Step two is going to be a little more complicated, but if we approach it like we have the previous chapters and envision every map as being an objective with potential growth areas as being policies, we work our way through the policies and then we take a vote, it could occur as follows. We look at the Map C1 to C3, the Wailuku-Kahului area has three maps, and we look at the text. There could be a motion to approve the three maps and the related text which runs from Page 8-16 to 8-22. Once that motion is approved there could be discussion and amendments to the maps starting with C1 and moving to C3. That could then be followed by discussion on the text and a final main motion or a final vote on any amendments in the main motion. So that could be a possibility. It mirrors the process that we've used with GPAC and the Planning Commission. Again, this is our first day digging into this, so we go slow, we go steady, get comfortable with it, and we're looking forward to working with you. I think this is going to be exciting. We're very happy to have all of our maps and data here. A lot of effort has gone into developing this into making it a rich, informed process. Thank you.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR BAISA: Thank you very much, Mr. Summers. Mr. Victorino.

COUNCILMEMBER VICTORINO: And thank you, Mr. Summers. And thank you, Madam Chair, for clarifying how and what we intend to do. My only concern, again, and I don't like to bring it

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up but when you have four Members that are not here and they show up tomorrow and we've gone to a certain point as far as discussion now and I'm not saying...they come in and then they want to start going back. How does this affect where we're going with this? Because that's one of the big challenges in my mind. You know generally if I'm not here when I come back I take it from where it is, I missed it, I move from where I am at that point and continue on. It's not my...it's not somebody else's fault. But I'm concerned about that, Madam Chair. So I don't know how you're going to address that and I'll leave it in your hands, but that is my concern that if we move today...and I don't want to say voting or anything but move on discussion then tomorrow they come back and they want to know about these things, do we backtrack again?

CHAIR BAISA: Mr. Victorino, you raise a very interesting question, and of course it's always a tough one. You know anybody who's not present at any meeting or any discussion and we hear it all the time, well I'm not a voting Member of that Committee so I didn't have anything to do with it or whatever. It always feel like, you know, they want the opportunity to have input and whatever. Because this is again the first piece we're doing and unfortunately this happened today where we have a bare minimum, I was hoping we would have, you know, more Members but they're not here and so we get them tomorrow. I did not want to give up the time because we've all, you know, everybody's gone through a lot of effort to be here today, whether it was testifiers, whether it's the GIS people, the Staff, everybody, we're all here. So I think the best thing for us to do is to take the opportunity to learn what we can, and if we have to back up then we're going to back up. But that only means again I'm giving everybody fair warning, when time gets tight down the road we may be here like in budget until midnight, but we're going to finish this plan one way or another, we have to. But, you know, if people come tomorrow and they want to hear the same thing over again then I would not want to be the one to tell them no. You know I tend to be the kind of person who likes to be inclusive, whether it's with my Members or with the public. I think it's really important. This is something we're doing that's really important, and if we have to repeat the first day, well we'll repeat the first day and hopefully we won't have any more of it in the future. We'll try to be more careful with scheduling to make sure that, you know, we have more participation, but this is just a fluke. So we'll make the best of it.

COUNCILMEMBER VICTORINO: And I understand that, Madam Chair, and I concur, this is very important. And, you know, we want to afford everybody the opportunity to make sure that they get inclusive of everything that we've discussed. And myself many times I've made it a point to go back and watch that meeting that I missed to get abreast with what's going on. And so but anyhow, I understand where you're going, Madam Chair, and that's fine with me. I just wanted that known because again we don't have this happen very often but when we do, it makes it very difficult to go back and rehash everything sometimes when you already, you know, you've kind of covered it. But it is what it is and we'll move on from there. Thank you, Madam Chair, for allowing me to express that concerns, yeah.

CHAIR BAISA: Yeah, thank you, Mr. Victorino. It's really good discussion. So let's get going here. Okay. It's my understanding that we are looking...and, you know, I marked my book at the end

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of the last meeting and I marked it on Page 8-16, on 8-16 right before Wailuku-Kahului Planned Growth Area is where I drew my line. I don't know where you guys have yours.

COUNCILMEMBER VICTORINO: That's right.

CHAIR BAISA: Correct, right?

COUNCILMEMBER VICTORINO: Yep.

CHAIR BAISA: Okay, so moving on. Mr. Couch, we will entertain a motion then to go to from 8-16 to the first part which is halfway down, it's Wailuku-Kahului Planned Growth Areas, Kahului Infill and Redevelopment of Revitalization of Wailuku Town.

VICE-CHAIR COUCH: Short recess, please?

CHAIR BAISA: Surely.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Don't anybody stand up, please, except Mr. Couch. Because once I let them out of their chairs, we'll never get 'em back. Come on.

VICE-CHAIR COUCH: Recess.

CHAIR BAISA: Oh, I'm sorry. Meeting's in recess. . . .(*gavel*). . .

RECESS: 11:19 a.m.

RECONVENE: 11:23 a.m.

CHAIR BAISA: . . .(*gavel*). . . .come back to order. Please forgive us for these little huddles we have to have. But again, this is our first day of proceeding and we want to make sure that we are all on the same page and that we're trying to proceed in an orderly way here. What we're going to do here is we are going proceed with a PowerPoint. Is that what we're doing, John?

MR. SUMMERS: That's very, very short.

CHAIR BAISA: Okay. We're going to have a PowerPoint. We're going to proceed with a discussion starting on Page 8-16 of the 2010 version of the Wailuku-Kahului Planned Growth Areas, and we'll just take it as it's in the book. There will be no motions today because we will not be voting on anything today, so we'll take motions tomorrow. Today will be basically overview and information which we may have to repeat tomorrow, I hope not. Okay, let's go. Mr. Summers.

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MR. SUMMERS: Okay, thank you. At the previous meeting, we did do a PowerPoint that described the entire chapter. There were a couple slides that Staff felt it would be important to touch on before we get into the specifics with the maps. The first was to briefly discuss the rationale for the overall directed growth strategy for the Central Maui region. And if you look at it and you read through the text, you'll see that revitalization and infill are center to this whole effort, so the idea is if you look at the chapter and if you look at the numbers, we've got some projects that are proposed in the existing urban growth boundaries that do call for infill and revitalization and optimizing those opportunities. Second to that is logical and planned expansion in areas where we can accommodate growth, where the infrastructure is more efficient to deliver, and in areas that would still allow for the protection of our existing communities through separation by planned protection areas and large parks and the like. So those are depicted, those areas are depicted with the dotted lines here. We have three of 'em in this chapter. Third major effort is to include a hard edge around the Wailuku-Kahului area to ensure that we don't have urban sprawl and to ensure that we have efficient use of our urban lands. So you'll see that growth boundary following the highway, jutting up at Waikapu Stream, and then dropping back down here in Waikapu. This is extremely important and central to the whole directed growth strategy. When we look at urban expansion, it's very important that those communities have the types of services and facilities that allow residents to essentially meet their needs within their communities. So as you look at some of the projects that are proposed here, the Wai'ale Project, the Waikapu Country Town Project, we do have a portion of the Pu'unani Project included. We've got a good mix of single-family, multifamily opportunities for commercial, some industrial and the other types of activities that residents need all approximate to the significant job opportunities that are present in this region. One of the important things that's being planned in this area are some large ag preservation belts to the south of the Wai'ale Project and the Waikapu Country Town, Small Town Project. This is very important and will help preserve that open space and critical ag land between Maalaea and Waikapu as well as the regional park that's planned. So those components we feel are very important and central to this concept. One of the things that we've been trying to do throughout the Maui Island Plan is to the extent possible keep development back from the shoreline, so we feel that this project does that and does it well or this basic strategy does that by moving development further mauka into areas where there's an opportunity to reuse wastewater or to at least have some buffering and some opportunities for more progressive management of our water systems. Again, we've got a lot of infrastructure through here, so all things being considered it's easier, more cost effective to bring infrastructure into areas that are adjacent to existing communities with jobs. Our experience has been that housing constructed in these areas typically meets the needs of our resident population, and so throughout the Maui Island Plan we've been looking for areas where as we develop these new communities we're developing communities that will meet our housing needs for our resident population. That's been a big concept and something that's been very important throughout the public process. If we go to the next slide, Mark. In the area we do have several existing entitled projects. We've got the Hale Mua Project which is roughly 466 units. That project has not kicked off as of yet. We've got the Piihana Project, about 600 units. The Kehalani Project, 2,400 units, it's roughly 50 percent built out. We've got the Maui Lani Project, 3,700 units, it's about 30 percent built out. So we do have a fair amount of capacity in areas that are fully entitled that are going to allow us to meet housing demand while some of these new projects go

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through the entitlement process. And we have our Kahului Town Center Project is a nice urban infill project. If we look at our next slide, the areas that are planned. We've got the Waikapu Project, the Small Town project, we've got the Wai'ale Project, and a small portion of Pu'unani Project. In the draft plan the Waikapu...what we're calling the Maui Tropical Plantation Village has roughly 1,400 units proposed. The Wai'ale Project has about 2,500 units proposed. I would note that there are two large project districts to the south in Maalaea. One is the Maalaea Mauka Project, the other is the Maalaea Village Project, and very early in the process in consultation with Alexander and Baldwin and in consultation and through the community process there was, it was conveyed to us that the priority was really this Wai'ale Project as opposed to the Maalaea Project. So I think when you're looking at this area you have to look at this in the context of some of these other areas that are not included within the urban growth boundaries. And I think part of the reason for that again was a lot more cost effective to bring infrastructure in here as opposed to some of these areas down south, and a lot of community concern about those projects proposed down south. As for the areas depicted on Map C1 and C2, you'll notice that there's really...the Department originally proposed and the GPAC supported a small expansion to Waihee Town. That was met with some fairly significant opposition at the Planning Commission level, so the Department and the Planning Commission dialed that back. And it's basically that the existing Small Town Boundary respects the existing areas that are already entitled for development. So there's no expansion proposed out in Waihee, and the philosophy out in these rural areas is to keep the country country and that's reflected in the plan.

CHAIR BAISA: Thank you very much, Mr. Summers. That was a very clear indication of what's before us. Okay, Members, Chair has had the opportunity with Staff to check the minutes. There's nothing like having minutes, that's why this is so good. We have lots of scribes and videos and everybody keeping track of everything, and it appears that we need to start on the bottom of Page 8-14. For some reason the menehunes in my book have it on the 16, but let's start on the bottom of Page 14 and let's look at the language there. And let's discuss anything that you see there that you'd like to talk about, and...

VICE-CHAIR COUCH: Madam Chair?

CHAIR BAISA: Yes?

VICE-CHAIR COUCH: Real quick, can we ask questions of the PowerPoint --

CHAIR BAISA: Oh, absolutely.

VICE-CHAIR COUCH: --presentation?

CHAIR BAISA: If you'd like to do that --

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: --while it's fresh in mind --

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VICE-CHAIR COUCH: Yeah.

CHAIR BAISA: --later on we'll forget. Okay.

VICE-CHAIR COUCH: Yeah.

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: Mr. Summers, or actually, Madam Chair, Mr. Summers, Mr. Spence, whomever, Corp. Counsel. You know we have urban growth boundaries. If you go back to the slide that showed the proposed regional park and the urban growth boundaries that were proposed as of now, is there a way to go back? Okay, there we go.

CHAIR BAISA: Oh, yes. We...these guys are on it.

VICE-CHAIR COUCH: The one with the orange stripes in it, if you could. There you go. Now it's my understanding that the D027 is going to actually expand where that orange line is I believe and would require us to change the urban growth boundaries. Is there a way if we do something like that, that we can put a, some sort of caveat or some sort of restriction on that extension that it is a regional park? Because a regional park is an urban...has to be inside an Urban Growth Boundary 'cause that's an urban use, but I wouldn't want to move an Urban Growth Boundary in order to have a park there and then have something happen and the park go away and then it become more housing. So is there something we can do?

CHAIR BAISA: Mr. Summers?

MR. SUMMERS: Thank you. Yes, the intent was to include that within an Urban Growth Boundary but also identify it as a regional park with County facilities, and that it would be mapped as a green area as one of the preservation types with specific language that calls for a network of parks and open space and as well as these public facilities.

VICE-CHAIR COUCH: Okay. And I do notice on your...on Mr. Spence's latest maps that they've added the green sensitive...or the --

COUNCILMEMBER VICTORINO: Greenways.

VICE-CHAIR COUCH: --greenways, preservation areas back on, which I appreciate. You know we had a testifier come up and say --

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: --that there would be a nice...because the GPAC did this it would be nice to have an Urban Growth Boundary between Wailuku and Kahului, although where it is on the

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GPAC map there's nothing in between. So does that make...you know I would like to see a definite distinction between the two as far as where the boundaries are, but does that cause more bureaucratic hassles than not?

CHAIR BAISA: Mr. Spence, can you help?

VICE-CHAIR COUCH: Because that would at least tell everybody that this where we say Wailuku is and this is where we say Kahului is, and I know the GPAC map took out a portion of preservation area. And I'm just wondering if it would be smart to put 'em back in or is it going to be more of a bureaucratic hassle when you decide to look at entitlements and whatnot during the community plan.

MR. SPENCE: Okay. Boy, complicated question.

VICE-CHAIR COUCH: Yeah.

CHAIR BAISA: Aren't they all?

MR. SPENCE: Actually not all of them are but this is a good one. I know the GPAC had definite boundaries between the two. The issue comes up like as it was noted earlier that the Wai'ale Project is in front of the State Land Use Commission right now. The...where the growth boundaries were noted in the GPAC maps, those boundaries weren't necessarily as scientifically placed to protect resources as they probably should have been. So between the GPAC and the Planning Department and Planning Commission that those boundaries were removed but still a green space shown to show a separation. But there's going to be language in the plan that says these will be determined, that the exact location of this green space boundary is going to be determined at the time of the community plan. The problem was is that when that green space was shown, one, the Department of Housing and Human Concerns had a specific location in mind for a project but also in protection of the dune system there. That green space that was shown on the GPAC map was not...didn't protect what people thought it was going to. So doing that flexibility, I mean it's certainly when it comes to the community plan or actually the community plan amendment and it comes to the County Council, there's going to be a whole lot of discussion on how large that should be, where it should be located exactly. I mean it's...there's going to be a lot more discussion with the Planning Department, the Planning Commission, and the Council.

VICE-CHAIR COUCH: Okay. I have more questions but if the other Members want.

CHAIR BAISA: Thank you, Mr. Couch. We'll see if anybody else wants to ask a question. Members, anybody else? If not, Mr. Couch, go ahead.

VICE-CHAIR COUCH: Okay, thank you. I believe in Mr. Summers' discussion it turns out that for the Waihee area that the testifiers came up and talked about, the boundaries that are there are existing locations and there's no expansion?

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MR. SUMMERS: Yes, that's correct.

VICE-CHAIR COUCH: Okay. Except for the proposed possible Kahakuloa Ag to Rural?

MR. SUMMERS: That's correct. And the Waikapu [*sic*] Country Estates. That's not...

VICE-CHAIR COUCH: Wailuku Country Estates as well? And I guess this might be the time to ask or maybe after...

CHAIR BAISA: Surely, go right ahead.

VICE-CHAIR COUCH: Why go from Ag to Rural in both of those? And I know they're two separate instances, so maybe Kahakuloa first. Why go from Ag to Rural?

MR. SPENCE: This is something that you'll see throughout my recommendations for the maps is mostly to re-designate a lot of existing agricultural subdivisions to the Rural district. The idea is not to increase density, the idea is to reflect what is there and not allow additional density. The issue of gentlemen's estates comes up in every single community plan except for South Maui that doesn't have any agricultural subdivisions. It comes up in Kahului, in Wailuku/Kahului, it comes up on West Maui, Hana, Paia, Haiku, and Upcountry. The Upcountry plan actually goes through...it took the hardest stance against it by saying eliminate pseudo-agricultural lots such as Kula 200 and Kula Glen through recognition of such lots as rural residential subdivisions. And then it goes on in the implementing actions to say implement a program to rezone existing pseudo-agricultural subdivisions to the two-acre Rural district, and at that time there wasn't even a two-acre Rural district. As you note, there...previously we had a half acre, we had 1 acre, but now in 2011 this County Council adopted a 2, a 5, and a 10. And part of the purpose of that was to recognize some of these ag subdivisions and rezone them accordingly. The...and I could go through the other community plans. I took a little look at the break, but, yeah, everybody has it. So the idea is to recognize what's there. There are legal issues, and in my opinion with ag subdivisions, the...on the Big Island ag subdivisions have been challenged in court. The State Legislature periodically tries to pass laws as related to ag subdivisions, the last one would have made several thousand acres...or several thousand parcels in Maui County nonconforming. So there's some issues. So what I believe in re-designating these Rural and zoning them to a compatible Rural category, say two acres or some cases like in Launiupoko where you have ten acre and five acre lots to rezone those accordingly you're recognizing what's there. They're estates, they're not...by and large they're estates, and you have some farming within those subdivisions but it's basically to recognize what's there and resolve potential legal issues.

CHAIR BAISA: So, Mr. Spence, I'm hearing what you're saying, and the intent is of course not to increase the density.

MR. SPENCE: Correct.

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CHAIR BAISA: What assurance can we give the people that are very concerned about, you know, if we change this then people will be able to do more? What kind of built-in protection do we have so that won't happen down the road?

MR. SPENCE: We could draft something to the effect for insertion into the proper place, saying that these rural designations for existing ag subdivisions are not to increase density or not to allow further subdivision, something along those lines.

CHAIR BAISA: The reason I ask is, you know, often we pass a law with one intent, and then we're gone and other people come along and they have a different take on it, and, you know, unintended things happen. So if we're going to do things I think we kind of cover our bases. Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair. You know I'm interested in you saying, you know, do this, but what about those who are already existing? And I think somebody said Waikapu Country Estate, it's Wailuku Country Estate, by the way.

MR. SPENCE: I'm sorry.

COUNCILMEMBER VICTORINO: Yeah, I know, so, you know, I kind of figured it was two different places but I figured I knew where I was going with this one. But they already exist as an Agriculture and now you want to change that to Rural, and again I'm getting ahead of it but it's really along this same subject line.

CHAIR BAISA: It's okay.

COUNCILMEMBER VICTORINO: You know and I just want, you know, because at this point, we did that and now we want to change it to something else. Now that's my question, you know, if we make this ordinance or we make a law then will that ensure that that cannot be done in the future so these people can rest assured that if they're Ag then they're going to stay in Ag if that's what they're doing and if it's Rural then it's not going to be more densely populated or more densely developed? I guess that's my question.

MR. SPENCE: Sure. And the intent is to rezone to a Rural zoning, a Rural category that is reflective of what is already there. So Wailuku Country Estates, and you're right, I stand corrected on the name.

COUNCILMEMBER VICTORINO: Thank you.

MR. SPENCE: Wailuku Country Estates, it is your district, you would know. Wailuku Country Estates is predominantly two acres.

COUNCILMEMBER VICTORINO: Right.

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MR. SPENCE: It would be zoned...the idea is to rezone to Rural-2.

COUNCILMEMBER VICTORINO: Okay.

MR. SPENCE: So it wouldn't allow any more subdivision.

COUNCILMEMBER VICTORINO: I still question that, Madam Chair, but this is not the time to get into real small details at this point.

MR. SPENCE: And we can...and like I'm saying, we would draft just a simple one liner for inclusion into the plan that would say the intent is to rezone to what...to reflect what is existing, not to allow additional density.

COUNCILMEMBER VICTORINO: But if it's already Agriculture and they're doing agriculture, why change it? That's my question.

MR. SPENCE: Because...okay, the, we...there's a couple issues with Agricultural subdivisions that agricultural...the farm dwelling is supposed to be an accessory use to the farm. Okay. We have a long string of people in my office that come in and say well here's my...and we get a lot of criticism and you hear about this a lot within the newspaper and in testimony that this isn't really farming. Somebody comes in and they plant their ten plumeria trees and that's their farm and that's how they're justifying their house. That's under our law, under our current rules, you know, sure you can do your farm dwelling under that, but it...I...the criticism over the years has been these aren't really farms. And so they should be called what they are, it's a rural residential lifestyle, and that's absolutely fine. And if this goes nowhere with this Committee, that's absolutely fine. You know I understand Mr. Kane's concerns. As I've reached out to other communities and other...where they have associations, some of them are like, yeah, I'd love to be relieved of the requirement to farm. Other people go no, I'm comfortable with my Agricultural designation and that's fine.

COUNCILMEMBER VICTORINO: You know, Madam Chair, you know why it's so important we've kind of come to a point where we know where we're going with this, because there's other areas that this is going to be coming up again and again. We're the test case, right. Wailuku/Kahului, the central part of Maui, whatever we do is going to set precedence for the rest of the areas that we start moving in except maybe South Maui, that's not a big issue in South Maui. But all the other districts, it is a big, big challenge, and so that's why I'm trying to get this clarification now and since we're in the mode of discussing nice and easy, nobody need make decisions at this point. But very important, whatever we do now in the next couple of days is going to set the precedent for the rest, whether it's Launiupoko, whether it's Kula Glen, Kula 200, I don't care, Haiku Hills, wherever you want to go, it sets the precedent now. And so this is very important, and I'm sorry if I pressed it a little bit too far --

CHAIR BAISA: No.

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COUNCILMEMBER VICTORINO: --Madam Chair, but --

CHAIR BAISA: No.

COUNCILMEMBER VICTORINO: --to me this is the time to really get the discussion going.

CHAIR BAISA: No. This is very relevant, Mr. Victorino. Very, very important decision about to be made, and I can tell 'cause I have a lot of people who want to talk. Can we give Mr. White...

COUNCILMEMBER VICTORINO: I allow others to go. Thank you.

CHAIR BAISA: Can we give Mr. White a chance?

COUNCILMEMBER VICTORINO: Sure.

CHAIR BAISA: And then we'll get to Ms. Cochran and Mr. Couch. We'll get to everybody. Go ahead, Mike.

COUNCILMEMBER WHITE: Thank you, Chair. And thank you for your questions, Mr. Victorino, I think they're very pertinent. And the question I have for the Department is my understanding is by moving to a Rural designation, farming's not going to be prohibited, right?

MR. SPENCE: That's correct.

COUNCILMEMBER WHITE: I mean moving to Rural, agriculture activities aren't going to be prohibited, in fact I believe even if you're on Rural...in a Rural designated zone, you can still dedicate your land for agriculture use.

MR. SPENCE: The...and I didn't finish one thought with Mr. Victorino. In the Ag district, the house is supposed to be...in some cases the mansion is supposed to be accessory to the farm. In the Rural district you can just have the house. You can just have the residence and your...one of the permitted uses is farming.

COUNCILMEMBER WHITE: Right. So the concern that we won't allow farming is certainly not --

MR. SPENCE: No, absolutely not.

COUNCILMEMBER WHITE: --justified at this point.

MR. SPENCE: And I did speak with Mr. Teruya of the Real Property Tax Division. I said are there any consequences, tax...real property tax consequences for Rural versus Agriculture? He says absolutely not. There are...they treat Rural exactly the same as Agriculture, they don't see a difference for real property tax purposes. And the...you can still get your agricultural, you know, exemption and ag water rates as well.

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COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

CHAIR BAISA: All right. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Yeah, thank you, Mr. Victorino. I think this is an extremely, extremely important topic matter. I don't want to jump over to West Maui but this is directly, exactly related to West Maui. As in the case of Mr. LaPeter who is here to testify, it is exactly what we're discussing that is going on in his very subdivision, and it matters if it's Ag versus Rural and I saw the examples up there. So for me, it is something that we really need to discuss and hash out and make sure we are on the same, you know, same wave length here. And in some people's eyes, once it's Rural it's really going to put a damper on their farming, ranching, any type of ag practices in those areas, and that is their concern. And 'til today I still really don't see that protection for these people. And calling it what it is, I understand, but these people understood when they went in, it is ag land. And everyone is entitled to ag permitted uses there. Now they want to just, you know, recolor, redraw the lines to make it say Rural so they don't need to be mandated to do ag farming and what have you. But the others who would like to are...they feel they will be prohibited. They've already been sued and what have you, gotten through some trouble here with neighbors who said hey, you know, our CC&Rs say we don't need to and we don't want you to either. Well guess what, they're in Ag and they want to stay there. So and I think in just a general, you know, idea, Chair, I am very, very dismayed at how much Ag, prime Ag land especially has been rezoned, reclassified, paved over, and what have you. So in just the general sense I am very, very adamant and strong in preserving Ag, period. So for me that is what it means to keep country country, that is what it means to have our kuleana landowners and native practitioners, you know, growing and thriving and continuing that practice. So I am...and definitely going to be paying attention to this topic, Chair. I know we're not voting on anything today, this is discussionary [sic] purposes only, and I think it's a real hot topic and look forward for further discussion. Thank you, Chair and Mr. Spence and fellow Members.

CHAIR BAISA: Thank you, Ms. Cochran. It definitely is a very important issue in our community. You know it's been a subject of a lot of conversation. As long as I've sat here, we talk about McMansions and fake farmers, and it's a whole tax issue we've looked at it, too. And so it is really a meaty issue. Mr. Couch.

VICE-CHAIR COUCH: Thank you. And this goes again to another Committee's discussion we're having, what really is ag, what are we going to define as ag. But my question to...at this point to Mr. Spence is if it's in Ag versus Rural even though you're going to do an Ag use, isn't there some distinction as to what kind of animals you can and cannot have in Ag versus Rural? I believe that's where the issue in Ms. Cochran's district is coming up. You know if there's...if it's set to Rural then sometimes you can't have certain animals. It's my understanding that's where I had heard before that there is a restriction in that area. If you're...if anybody from your Department is aware of that. Because that's what...as Ms. Cochran says, that's what I would not want to do. If there are areas that are really, really mixed, somebody really is doing, you know,

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pigs, horses, cows, ducks, roosters, whatever, all in an area that is an Ag subdivision and right next door is somebody who isn't doing anything but maybe growing a little bit, the ten Plumeria Trees and are complaining about the noise and the smells, that's too bad.

CHAIR BAISA: Well, you know...

VICE-CHAIR COUCH: But if it's another area...pardon me, if it's another area for instance I believe Haiku Hill or something like that that somebody mentioned that is pretty much nothing but two acre, you know, orchards, if you will, if that. I can see making something like that into Rural and being done with it versus something that's mixed use like Ms. Cochran's area and the Kahakuloa and the Wailuku Country Estates. You know I guess we have to look at each one individually and say yes, maybe this can all go to Rural but no, not on this one. And it may be that somebody has to go out there and take a look and say, you know, this is all...nobody is doing any animal and it's small kine versus it's very mixed. If it's mixed I'm very hesitant to change that to Rural.

CHAIR BAISA: Well I think we're back to this idea too of having to look at each case by case, because when you try to mass identify something, you know, you can't put every...one size does not fit all. The other thing is, you know, when we have been approving land use changes recently, we have been including as a condition in there the compliance with the right to farm which is the State law I believe, and maybe Mr. Giroux can tell us about that. But, you know, there is a law.

VICE-CHAIR COUCH: But that's only...I believe that's only for Ag lands --

CHAIR BAISA: That's only for ag.

VICE-CHAIR COUCH: --not --

CHAIR BAISA: That's only for ag.

VICE-CHAIR COUCH: --Rural. Yeah.

CHAIR BAISA: Mr. Spence?

MR. SPENCE: Yes, thank you, Madam Chair. I'm looking in 19.29 which is Rural, is Rural zoning district and the principal use instead of agriculture, principal use is a single-family dwelling plus the ohana. Number two permitted use is growing and harvesting of any agricultural or agricultural crop or project...product, excuse me, subject to the restrictions set forth in this chapter. And the only thing I can see that's a restriction is that some things would be considered special uses such as commercial stables or riding academies. Accessory uses, I mean so you would have to have the...instead of the farm first, you would have to have the house first. Keeping of livestock, hogs, poultry, fowl, and other, so you can still do all of the same agricultural uses.

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VICE-CHAIR COUCH: But you need a Special Use Permit to do that?

MR. SPENCE: No, that's an accessory use.

CHAIR BAISA: No, no.

VICE-CHAIR COUCH: Accessory use, okay.

MR. SPENCE: So in, as where...I mean you're supposed to have...in our zoning district you're supposed to have a principal use. Say in Agriculture you're supposed to have a farm. The accessory in order to be able to have your house to go out and do the farming, living on your property, so, you know, you're...they're doing the farm thing. So the farm comes first and the house is the accessory. In Rural it's switched around. You can have the house and then if you want to farm you can go ahead and do the pigs and everything, but that's the accessory to the residential use. The way that State law reads is really what is the description. I'm not saying we're exactly mirroring State law, but the description of Rural is a mix of small farms and residential which really is the description of most of our ag subdivisions. You have a lot of small farms but you also have predominantly residential kind of uses. When I see...I hate to pick on any one particular subdivision but I will. When I see in Launiupoko when the ohana unit goes for a million and a half dollars, that's...I tend to think that that's more of a residential use than a farming use.

VICE-CHAIR COUCH: And, Madam Chair, if I may follow up on...

CHAIR BAISA: Yes, go right ahead.

VICE-CHAIR COUCH: I understand that. But in that same subdivision you have somebody who has 700 chickens who has a huge business selling local eggs to, you know, local restaurants. And she's a small business, I mean, you know, 700 chickens isn't much for all of Maui, but for her niche she's able to have a thriving business with 700 chickens next to somebody with those big multimillion dollar ohana units. They're going to complain because of all the chicken noise and there's certainly the smell, but that's too bad in my opinion, you know, it's an agricultural area. But if it's in Rural they may have the juice to say well, you know, we're more...the main use is residential and accessory, so if you get a good lawyer they might be able to say, you know, our CC&Rs prohibit that. And I really want to not have to have that kind of collisions between uses.

MR. SPENCE: Yeah. And just to be fair I've heard exactly the opposite too that we're good with people farming, we would like to prohibit certain things like keeping hogs or whatever.

VICE-CHAIR COUCH: Correct.

MR. SPENCE: I would just note that, you know, there's going to be requests on both sides. We heard testimony today for Kapalua that they, you know, the one gentleman wants to stay Agriculture,

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we're going to get a letter from the community association who wants to go to Rural, and there will probably be a couple of other requests as well.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR BAISA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Real quickly, and I know it's almost lunchtime and I'll make this real quick. But you brought up a good point because if you remember Uplands Subdivision.

CHAIR BAISA: Ige Poultry.

COUNCILMEMBER VICTORINO: Yes. And today doesn't exist today --

CHAIR BAISA: It's gone.

COUNCILMEMBER VICTORINO: --primarily because all those houses were built as the years went on and the complaints and the complaints and it's gone. So this is a...because that was Rural now --

CHAIR BAISA: Right.

COUNCILMEMBER VICTORINO: --that was Rural.

MR. SPENCE: On Makani Road?

COUNCILMEMBER VICTORINO: Makani, Uplands.

CHAIR BAISA: Yes, on Makani.

COUNCILMEMBER VICTORINO: Uplands, Uplands, Uplands on the other side.

CHAIR BAISA: Maui Uplands.

COUNCILMEMBER VICTORINO: That was Rural. Remember your history so that you fail not to repeat it again. You know so that's why I'm saying I agree, you know, if Wailuku Country Estates was built Ag, I want to defend them to say, yeah, let's leave it that, you know. But and you make up a good point, Madam Chair, that we may take it case by case; however, this is the first one we're going to set the precedence. Case by case will come but the precedence will be set and this is very important, because if you do for one, do you not believe the other one down the road in Haiku going say hey wait a minute, you did that for Wailuku Country Estate, not for Haiku Hills? We live in a different world then, Mr. Spence, you and I. You know I live in a political world that tells me what they really want. You may live in a planning world, they come

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to tell you what they need. Well whatever. I'll leave that one alone, I may have gone too far on that one. Thank you, Madam Chair.

CHAIR BAISA: Well, Members, this is definitely a subject that obviously tugs at our hearts but we're going to have to make some decisions. But I tell you what, maybe we'll be in a better mood to do decisions tomorrow and we certainly can continue the conversation, but for now the Chair is going to recess the meeting for lunch and we'll be back at 1:30 to continue the meeting. Thank you, everybody. Meeting is now in recess. . . .(gavel). . .

RECESS: 12:02 p.m.

RECONVENE: 1:42 p.m.

CHAIR BAISA: . . .(gavel). . . Will the meeting of the General Plan Committee please come back to order. Thank you, everyone. I hope that you had a nice break during the lunchtime, and now we can return to where we were. When we left we were on this very exciting subject about changing Ag to Rural, and we had had a very good discussion. Is there anything more that anybody wishes to say on that subject? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Just the last thing and, you know, I talked about it with some friends of mine over at lunch. You know we need to define Ag and we need to define farm. I don't know if this is the Committee to do it or Budget and Finance because of the way we're going to tax or any other Committee or even Policy or Planning, but we need to come up with something to define what type of ag we're going to support and how are we going to support it. And I think that maybe comments that we make here and discussions we make here have to go to that Committee. I don't know that this is the right Committee for that, but if you could...if the Chair could put a letter to the Council Chair and say hey look, we needed this discussion, 'cause it's been several Committees that we've been in that we said really what is Ag? So I think it's time that we nail it down or try to at least gather pieces, parts of it and make it work.

CHAIR BAISA: Thank you very much, Mr. Couch. The Chair is more than willing and I'll ask Staff to initiate that. It is very interesting because of course as you know this discussion is going on in other venues, and I've been very involved of course with the ag groups that are trying to discuss their taxes and we come up with the same wall, what is ag? And they've been talking about that before I got here and in the six years I've been here we're still talking about it, so maybe the time has come that we need to put this in a Committee and just deal with it. And, you know, this Council has been trying to deal with longstanding issues, and I have a feeling that maybe we're up to the task, I don't know why not. So anyway, any more on that? Otherwise, we can continue to discuss other things. The Chair kind of feels that maybe this language on 14 and 16, we ought to postpone looking at until tomorrow when we have everybody, because if we do, what we're going to do is do it and do it again so it makes no sense. Mr. Spence or Mr. Summers, is there anything that you guys would like to start with? Otherwise, shall we begin to look at the list of changes that has been given to us? Your druthers, Mr. Summers.

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MR. SUMMERS: Thank you. I think I'd be helpful to start discussion on the maps starting with Map C1.

CHAIR BAISA: Wonderful. Okay, if you would pull C1 up, guys. And could you describe that for us and what we're looking at?

MR. SUMMERS: Thank you. This is the region of the island that essentially extends from Waihee to Kahakuloa, and the good news is that when you look at the recommendations of the various bodies, they were all very similar. So we had a lot of general support for Map C1 across the GPAC, Planning Commission, 2010 Director, and 2012 Director. The one issue that we've had some discussion today is the Kahakuloa and Maluhia ag subdivision going from Ag to Rural. That's really the only feature that's different between the three recommendations. The Waihee boundary is really discussed more in Map C2.

CHAIR BAISA: Okay. We have...I see a request at the top of the developer's matrix and it's a request from developer Keoni, R. Keoni Fairbanks in regards to Waihee housing. Any comments from the Planning Department?

MR. SUMMERS: The only comment I would have is that that particular area is also addressed on Map C2, and it's easier to look at that proposed request within that context.

CHAIR BAISA: Okay. Chair has no problem, we can look at C2. Guys, it's the one right in the back of C1.

MR. SUMMERS: And I would note that when the Planning Department prepared its original draft for the Waihee area, we did include this project in our recommendation. It was affirmed by the GPAC, and we did get a lot of concern expressed by the Planning Commission. Hence, we made an adjustment and pulled those boundaries in to reflect the existing community. The other small change would be the designation change from Country Town to Small Town, and I would say that the definitions of those two terms are interchangeable. We didn't really change the definition, just the name.

CHAIR BAISA: Okay. Members, you've heard the proposed change. Any questions? Comments? Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Mr. Summers, so in essence the latest C1 map differs from the 2010 C1 map in that the D2 area...the D002 is reflective of what is existing only? That's one change. And then the other is the D001, you're suggesting making that Rural.

MR. SUMMERS: The Department's recommendation for D001 is to reflect the existing ag subdivision out there as Rural. For D002 the difference is the term being changed from Country Town to Small Town.

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VICE-CHAIR COUCH: Right. But I mean in the 2010 or I believe it's the 2010 or maybe even the GPAC, it looks like the latest yellow boundaries are smaller than the existing or the old ones.

MR. SUMMERS: That's correct. In the GPAC draft we did include some limited expansion to Waihee Town. And...

VICE-CHAIR COUCH: Okay, yeah. There you go.

MR. SUMMERS: Right. So you can see a couple of nodes up there on the mauka side of Waihee Town.

VICE-CHAIR COUCH: Right there?

MR. SUMMERS: That's correct.

VICE-CHAIR COUCH: Okay.

MR. SUMMERS: Two nodes.

VICE-CHAIR COUCH: So those are...those were expansions, those are gone now. So all the yellow in this one is existing only?

MR. SUMMERS: That's correct.

VICE-CHAIR COUCH: The blue in, and this one is existing only as well, right here and the one way up in --

MR. SUMMERS: Kahakuloa.

VICE-CHAIR COUCH: --which is Kahakuloa itself?

MR. SUMMERS: Yes, that's correct.

VICE-CHAIR COUCH: Okay. That's been the same all the way around?

MR. SUMMERS: That's correct.

VICE-CHAIR COUCH: Okay. So the one we really, we really want to discuss essentially is the D01 [sic]?

MR. SUMMERS: Yes.

VICE-CHAIR COUCH: Okay. And are we discussing that now or?

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CHAIR BAISA: Yes.

VICE-CHAIR COUCH: Okay. Then my question is, has anybody gone up there and seen if...are they actually doing ag up there? Is this one of those mixed situations that is happening in Ms. Cochran's district or Mr. Victorino's district? Has anybody gone to see what's really going on up there?

MR. SPENCE: It's a mixture, and I can't say that I've driven every road within that subdivision. It's a mixture of agriculture and residential uses.

VICE-CHAIR COUCH: Thank you. And, Madam Chair, that's what we had the discussion this morning. If it's a mixture, I'd rather leave it as Ag only, because I don't want to have the conflicts between, you know, if you're Rural now maybe you're not allowed to have ag or we can change the rules or whatever. I would rather say, look, you bought into Ag, it's Ag. That's my personal preference. Thank you.

CHAIR BAISA: Members? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. This is a question for GIS. The...is it possible for us to get a high res picture of that area to see whether the current or the most recent flyover shows much in the way of farming versus pasture versus nonuse?

CHAIR BAISA: I'm sure that the GIS guys can help us out. You're okay with the lights or you want them down?

VICE-CHAIR COUCH: No, that's fine.

CHAIR BAISA: Okay.

MR. NAPIER: Yes, Councilmember White, this is the 2011 WorldView imagery. This is our latest imagery, satellite imagery that we have. Prior to this we were using 2006 imagery, QuickBird. So this I believe is about 2.5 meters on the ground resolution, and we can pan around. And we are inside the growth boundary right now.

CHAIR BAISA: Does that help at all, Mr. White?

COUNCILMEMBER WHITE: Yeah. I don't see much in the way of ag, but it's kind of hard to tell from this distance.

CHAIR BAISA: Yeah, it's very difficult to see the detail at this distance unless I need new glasses again. Can you kind of focus, guys, on something that is ag so we can see how it looks as opposed to other things? So we know what we're looking for.

COUNCILMEMBER WHITE: That's a lot of barns.

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CHAIR BAISA: I see big --

VICE-CHAIR COUCH: Madam Chair?

CHAIR BAISA: --some big farms.

VICE-CHAIR COUCH: Wait, no. Can you leave that up, please?

CHAIR BAISA: Some big barns.

VICE-CHAIR COUCH: Madam Chair?

CHAIR BAISA: Mr. Couch.

VICE-CHAIR COUCH: Might I ask the Planning Department, how in the world can anybody get that many dwellings or that many buildings on a piece of ag land? I'm just asking how that...something like that could happen.

MR. SPENCE: It's probably...well the way that the . . .(clears throat). . . excuse me, 19.30A is written you can have...you can...development can cover up to 10 percent of the property. I think that's between the house and the accessory dwelling, excuse me, the accessory farm dwelling. The house can be almost any size. The other farm dwelling can be up to 1,000 square feet, but then you can have barns and detached garages. So that particular one, I see four structures, so you have the house, you have the --

CHAIR BAISA: Will, excuse me.

MR. SPENCE: --accessory dwelling.

CHAIR BAISA: Mr. Spence, you got one of those thingies?

MR. SPENCE: Yes, I do.

CHAIR BAISA: Would you try to focus for us so that we can follow you.

MR. SPENCE: So there you have a house.

CHAIR BAISA: Thank you.

MR. SPENCE: I'm imagining this is the other small farm dwelling, and then you can have a barn or, you know, a detached garage. So...

CHAIR BAISA: So you could have quite a few buildings.

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VICE-CHAIR COUCH: And what are they farming?

MR. SPENCE: I'm not sure.

VICE-CHAIR COUCH: What's the ag? The farm plan?

MR. SPENCE: They...yes, they...I'm sure they were required to come in and file a farm plan and it was approved.

CHAIR BAISA: That's a good picture.

MR. SPENCE: For the farm plans we require that 51 percent...the way that the ordinance is written is the majority of the land shall be used for agricultural or conservation uses and not exactly knowing, you know, I'd have to look up their particular farm plan. But if you look at the parcel boundaries, here and here, they're probably counting this area in here as their 51 percent, and that's what's considered the farm.

CHAIR BAISA: Okay, Members, do we have a representative from the person that's asking for this here? No? Nobody's here. Yes, Mr. Couch.

VICE-CHAIR COUCH: The question I might have is, you know, somebody who has gone and seen all this or supposedly is Real Property Tax. I'm wondering if they might want to be here in the room to just say oh yeah, that's such and such and here's what we've done. I don't know if that's a valid request or not.

CHAIR BAISA: Maybe as we proceed it might be a good idea to have them here.

VICE-CHAIR COUCH: Yeah. Just because...I mean I don't see any ag there, but I don't know what that big black curved area is right there. I have no idea what that is, and everything else looks...

COUNCILMEMBER COCHRAN: Stealth bomber.

VICE-CHAIR COUCH: Yeah. That's a runway.

CHAIR BAISA: Ms. Cochran, are you trying to say something?

COUNCILMEMBER COCHRAN: Yeah. Just out of curiosity, is there a timeline when they're supposed to start their farming? I mean they can say all day long, yeah, we're going to put 51 percent of our land in ag and farm and ranching, but --

CHAIR BAISA: When.

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COUNCILMEMBER COCHRAN: --they could say that every day for the rest of their lives. So are they, you know . . .(inaudible). . .

MR. SPENCE: The...this was a huge discussion a number of years ago and I believe it was from the State Land Use Commission, specifically over Launiupoko, and the County defended its practices. I mean it's supposed to be, the farm dwelling is supposed to be accessory to the agriculture on the property, so if you would imagine, the farm should be there first. Okay, but as a realistic, you know, how many people do you know who really want to farm are going to go purchase a piece of property and have a mortgage on another piece at the same time, go and put in, you know, whatever agriculture they want to do and then be able to build their home? And the County really struggled with that one, but, you know, it makes a lot of sense. You really need to be able to live on your property in order to make the agriculture go.

COUNCILMEMBER COCHRAN: Right.

MR. SPENCE: So it's a tough one.

COUNCILMEMBER COCHRAN: Yeah, okay. Just curious if we --

MR. SPENCE: The...

COUNCILMEMBER COCHRAN: --had a timeline.

MR. SPENCE: It...I'm not...without looking specifically at that property, up towards the top up here it looks like this may be in a gulch in which case we may say that this is agricultural conservation, because it's, it may be too steep or too stony or, you know, if there are archeological sites. Or, you know, I'm just throwing out the plethora of things that could count that as agricultural conservation. You know we're saying if it's so steep you don't need to farm it, in reality you couldn't farm it because of some particular conditions.

CHAIR BAISA: Okay. It appears to me that maybe we should come back to this one. It is not in the urban growth boundaries at this time, it's out.

MR. SPENCE: That's correct.

CHAIR BAISA: And so we'll come back to it. Why don't we go to the next one? I do know we have folks here that can help us. The next one of course is...no, that's three. The only other C1 I see, only one on the list that we were given.

VICE-CHAIR COUCH: You're going off this list?

CHAIR BAISA: Yeah.

VICE-CHAIR COUCH: Oh, okay.

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CHAIR BAISA: Okay. So the next group, I'm looking for...you want to go two? Or you want to do them in order? We'll do 'em in order. The next one...

UNIDENTIFIED SPEAKER: Yeah, might as well.

CHAIR BAISA: Okay. So we're going to go then to C3, okay. And the next issue on this or the next request is from Charlie Jencks, Towne Development, Endurance Investors, and it's in regards to Pu'unani. Planning, comments? We'll put up C3.

MR. SPENCE: I'll wait while they pan over a little bit.

VICE-CHAIR COUCH: While...Madam Chair?

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: While they're getting that all set up, if I could request from the Department, we've got a really nice matrix here --

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: --except for it doesn't...these projects numbers don't correspond to anything on any of these maps. So I was wondering if we could have something where you have D026, D027 listed on here or you can let us know when it comes up. For instance we're on No. 2 which is Project No. 585 and I don't know, that ends up being D024 and D025 it looks like.

CHAIR BAISA: I'm sure they'll help us find it in just a minute.

VICE-CHAIR COUCH: Right.

CHAIR BAISA: Hang on.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Okay. Mr. Summers?

MR. SUMMERS: Thank you. Are we talking about the Pu'unani project?

CHAIR BAISA: Yes.

MR. SUMMERS: Okay. The Pu'unani project as was noted, if you look at the Director's change table as well as the list of developer requests, and if we look at the C3 map you'll see that request denoted by D024 and 025.

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CHAIR BAISA: Got it.

MR. SUMMERS: And the Pu'unani Project, when the Department looked at it, our original version was to take that project up mauka in more of a linear fashion. The Department did that...

CHAIR BAISA: Again, if you guys could kind of use the pointer.

MR. SUMMERS: Okay. Here's the...the project boundary or the larger parcel essentially extends right through this area, and it's currently Agriculture although there's a portion here that's in community plan as Single Family I believe. And after going through the process, the Department recommended that we include a portion of that project. The original proposal was to run it in sort of a makai-mauka orientation up through here. And roughly 50 acres. We did work with that project. We did receive some concern from the community about the loss of open space between Wailuku Heights and Waikapu. I mean that's the basic rationale for why we went makai-mauka on that. But this area is a little difficult in terms of urban expansion, and in response to some of the concerns we heard from the Pu'unani folks, we are suggesting that this mauka portion be removed and replaced with an equivalent land area here. So that the balance of the acreage would remain about the same but we would shift it to be adjacent to this lower, more makai area. And we felt that that would still respect the notion of having good open space preservation between these two communities which is also a policy in the existing Kahului-Wailuku Community Plan and an important principle that's been brought up throughout the project. As the applicant noted this morning, their request is for about 20 additional acres in here with a net buildout of about 53 acres, I think they stated. The Department...the applicant indicated that they need some additional land to push it back from the highway, the project, and I think that's something that we would support --

CHAIR BAISA: You would support?

MR. SUMMERS: --having that project step back from the highway so we have some visual relief.

CHAIR BAISA: Okay. Members, any questions on the project? Mr. White.

COUNCILMEMBER WHITE: Thank you, Madam Chair. So essentially D024 and D025 are a 20-acre swap?

MR. SPENCE: Essentially, yes.

COUNCILMEMBER WHITE: Okay.

MR. SPENCE: And it...and I would just comment, the upper part up here, it's so narrow --

COUNCILMEMBER WHITE: Right.

MR. SPENCE: --it would be so expensive to put in infrastructure, it would be almost unbuildable.

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COUNCILMEMBER WHITE: Right. And then the...what is the proposed setback off the highway?

MR. SPENCE: That I'm not sure if the representative said, if Charlie said or not. He said it was...it'd be large enough that you wouldn't be blocking the views as, you know, as it happens right now going through Waikapu.

CHAIR BAISA: Members, if you'd like, Mr. Jencks is here and I can call him down with your permission. Okay?

VICE-CHAIR COUCH: No objections.

COUNCILMEMBER WHITE: No objections.

CHAIR BAISA: Thank you. Mr. Jencks.

MR. JENCKS: Madam Chair.

CHAIR BAISA: I know you heard the question so I won't repeat it.

MR. JENCKS: The question was addressed towards the buffer and the setback, and this morning when I was talking to the Council Committee, I referred you to the Waiolani project that's just down the road in the direction towards Waikapu. And as you drive by, you can see that the houses come right...the slopes...the rear lot lines come right up to the edge of the right-of-way and the houses are right there with retaining walls. What we're trying to do is in this project district--and it's going to be a project district by the way, not regular zoning but project district--is push the multifamily units...you know where the trailers are at the intersection, up above those. So that when you drive by from the highway and you look in the direction of the West Maui's, you can see the West Maui's. Now I can't give you a specific distance, but I would say it's probably going to be close to at least 200 feet. Because we have park and a detention basin that's going to go at the bottom of the hill, the function is a part of that setback.

CHAIR BAISA: So when you look up, the view plane --

MR. JENCKS: So when you drive by --

CHAIR BAISA: --you can still the mountains?

MR. JENCKS: --you'll see the mountains. When you drive farther down the highway you just see the backs of the houses.

CHAIR BAISA: That's right.

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COUNCILMEMBER WHITE: The other question I had was if you look behind you, the yellow outline of the expansion section.

MR. JENCKS: Yes.

COUNCILMEMBER WHITE: What would you estimate the distance along the road to be?

MR. JENCKS: Oh, that, the frontage on the highway?

COUNCILMEMBER WHITE: Yeah, the yellow line where it comes along the highway. So what is the additional amount of space? It looks like several hundred feet.

MR. JENCKS: I'm talking...based upon the map that I have in front of me here I would say that's roughly --

CHAIR BAISA: I have another one if you guys need.

MR. JENCKS: --maybe 1,200-1,400 feet.

COUNCILMEMBER WHITE: Yeah. What I'm talking about is that distance from there to there.

MR. JENCKS: Okay, that looks to me about 1,000 feet based upon the map I have here.

COUNCILMEMBER WHITE: And what would be the distance...what's the distance of the opening from there to where the next subdivision starts?

MR. JENCKS: Do you have the aerial up?

MR. NAPIER: Councilmember White, the distance you first alluded to is approximately 546 feet --

COUNCILMEMBER WHITE: Okay.

MR. NAPIER: --going almost east to west, north to south maybe. You can see up at the top of the screen right here.

COUNCILMEMBER WHITE: Oh, okay. Yeah.

MR. NAPIER: And, I'm sorry, your second question was?

COUNCILMEMBER WHITE: The second question was what is the distance that would remain open from that...the lower point of the yellow line to the next subdivision.

MR. NAPIER: Oh, okay. Let's try that. I may have to zoom way out...even farther. To the next existing growth boundary --

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COUNCILMEMBER WHITE: Yeah, that's fine.

MR. NAPIER: --it's 2,219 feet approximately.

COUNCILMEMBER WHITE: So...

MR. JENCKS: Keep in mind that the boundary that's on the map on this side, the map to the left is not the same width or frontage on the highway as the map on the right. The map on the left shows a total of 53 acres, the map on the right and its boundary with the highway is a total of 70 acres. Little bit different in length on that boundary.

COUNCILMEMBER WHITE: Okay. Okay. Thank you, Chair.

CHAIR BAISA: Okay. Other questions? Mr. Victorino, did you have a question?

COUNCILMEMBER VICTORINO: Yeah. So we're looking now, right, at this area here...oh with these pointers, oh my God. So we're looking right here right now, right?

CHAIR BAISA: Right.

COUNCILMEMBER VICTORINO: Swapping here for here, right? That's what we're talking right now?

UNIDENTIFIED SPEAKER: Correct.

COUNCILMEMBER VICTORINO: Okay. But this area if I go to this map, this is what this area reflects, right?

CHAIR BAISA: Right, correct.

UNIDENTIFIED SPEAKER: That's correct.

COUNCILMEMBER VICTORINO: That's correct. I know my areas, guys, come on, please. Okay, so this is the area that they're looking for half-acre lots right in here, right?

MR. JENCKS: A combination of half, one, and if necessary, two-acre lots as well.

COUNCILMEMBER VICTORINO: Right. This is the densely populated area where you're talking the senior housing and veterans housing to be put in which is this area here?

MR. JENCKS: And affordable. Yes, that's correct.

COUNCILMEMBER VICTORINO: And affordable, yeah.

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MR. JENCKS: All multifamily.

COUNCILMEMBER VICTORINO: Okay, multifamily would be this end?

MR. JENCKS: That's correct.

COUNCILMEMBER VICTORINO: This would half to one acre lots --

MR. JENCKS: Right.

COUNCILMEMBER VICTORINO: --moving from Urban to Rural to Ag, right?

MR. JENCKS: That's correct.

COUNCILMEMBER VICTORINO: That's how we had, you know, that's what you guys are looking to moving from Urban to Rural to Ag.

MR. JENCKS: And in the lower portion if I may, from Urban to Rural to Urban.

COUNCILMEMBER VICTORINO: This here? Oh, this is Urban here. Yeah, yeah. Right now this is --

MR. JENCKS: That's right.

COUNCILMEMBER VICTORINO: --all Urban already.

MR. JENCKS: Trying to get rid of that conflict between the Ag and the Urban uses which you heard a lot about this morning.

COUNCILMEMBER VICTORINO: Right. And this is a fact and I can attest that there are a lot of neighbors in this area, Madam Chair, that complains about the noise and all the other attributable problems of having Ag smack in area which is basically at this point in time other than here being surrounded by Urban. So that's why the...they have come and they're looking at putting Urban here, Rural here, and leaving Ag there.

CHAIR BAISA: Right.

COUNCILMEMBER VICTORINO: So that's what they want and that's what their suggestions and I think that's what we'd like to see done, but I'll leave it up to the Planning Director to give his comments on that.

CHAIR BAISA: Mr. Spence.

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MR. SPENCE: Yes, thank you, Madam Chair. The big concern of the Waikapu Community Association and the Department shares this concern is the dissolving the boundaries between those two communities. Right now is where you have that big, you have a big open space in here. If that was to go to half-acre lots, I mean I think the Members are familiar with what half acre looks like, it's like Pukalani, others, some of the other subdivisions in Makawao. It's just a little bit larger lot residential but it's still very much like residential. We couldn't support the half acre, what we would support...or even one acre. Right now they could do an ag subdivision within there and there'd be a sliding scale or whatever. If you want to start talking about two-acre or five-acre Rural, then you're talking about maintaining, you know, more of a character in a separation between the two.

COUNCILMEMBER VICTORINO: What about, you know, they had discussed also so far as putting a greenway, greenbelt between running parallel all the way up--back again, please, sorry--from here all the way up. There'd be like a parkway, a greenway around on here. Would that be acceptable if they were to put something of that nature in there right here?

CHAIR BAISA: Like a buffer.

COUNCILMEMBER VICTORINO: Like a buffer zone between the two communities? Because I understand both communities don't want to join together, I agree.

MR. SPENCE: I don't...I mean it's certainly up to the Committee. I have...this is the first time I've seen or heard about a buffer --

COUNCILMEMBER VICTORINO: Yeah, something of that nature.

MR. SPENCE: --like that between them.

CHAIR BAISA: ... (inaudible). . . like that.

COUNCILMEMBER VICTORINO: Yeah, and maybe not that big but I mean something that would be clearly distinguishing --

UNIDENTIFIED SPEAKER: Maybe it should be that big.

COUNCILMEMBER VICTORINO: --between the two communities.

MR. SPENCE: I'm going to defer that to the Committee. I mean there's...even with the half acre it's going to be just like essentially every other...any other subdivision.

COUNCILMEMBER VICTORINO: No, no, I'm talking more like a park or something of that...a delinear [*sic*] park moving up and down, not even building homes in there.

MR. SPENCE: I think that's a, that's better than just filling it with half-acre lots.

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COUNCILMEMBER VICTORINO: Yeah. Okay, well let's see what they say to that, because that's one of...some of the discussion that's been brought up. But that would be one of the ideas that could be bantered so that there would be a definitive, clearly marked segregation between the two communities of Wailuku and Waikapu. You know because already we've moved Waiolani right into what I consider Wailuku already. I mean we're moving Maui...I mean Wailuku Gardens has moved. We're going to build church, schools down there, so everything's going to be connected somehow. The bottom section is going to be connected. There's no separating of the bottom to the top. Kehalani will come to this end, and the churches and the rest will go the other end, so there'll be an interconnectable [*sic*] on the lower section of the makai side of the highway. So now they're talking about the mauka side dividing. That's the only place you're going to have a division, Madam Chair. It's too late for the rest.

CHAIR BAISA: You know we heard a lot of testimony about that this morning so this is really important. Mr. Couch.

VICE-CHAIR COUCH: Thank you, Madam Chair. Mr. Spence, this whole area in here right now is all Ag, is that correct?

MR. SPENCE: That's correct.

VICE-CHAIR COUCH: So if nothing were done, what would the owner be able to do as far as sliding scale and homes? I mean potentially that could be all two-acre homes and there'll be no buffer in there, is that right?

MR. SPENCE: There would be no buffer in there. Our guess is they'd probably be able to do, I don't know, with the sliding scale like 14 lots. I mean if they just did an ag subdivision.

VICE-CHAIR COUCH: Okay.

UNIDENTIFIED SPEAKER: Mr. Summers.

MR. SUMMERS: Thank you. The current Ag Zoning Ordinance for larger parcels--and this is a fairly large parcel--allows up to 14 lots that can be as small as 2 acres. So you're probably looking at an average lot size when you amortize that, those 14 lots, then maybe a few larger lots. Your lots sizes are probably getting up to about an average of maybe ten acres, and that's just, just a guess. And that would be the portion that's currently in the Ag district, this area through here. So that does provide a significant transition between the communities of Wailuku Heights and Waikapu by maintaining it in Ag. Even if it is subdivided under the sliding scale, it'll maintain that separation, that feeling of separation as opposed to going into say a half-acre or one-acre buildout or even a two-acre buildout which could potentially result in...even on a two-acre buildout, you could potentially get...we're talking dozens and dozens of lots.

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CHAIR BAISA: Mr. Jencks, any comments on what you've heard? He can kind of lay out our options here for tomorrow.

MR. JENCKS: Well it's, you know, this morning we were talking about the issue of Ag versus Rural, and I was sitting in the back listening to some of the discussion, especially the gentleman from I think it was Plantation Estates in Kapalua that probably paid \$5 million for his lot. I'm not sure I know of any crop that you can grow that makes any sense from a cash flow perspective other than drugs on a five-acre lot that you paid \$5 million for. I mean it just doesn't make any sense from my perspective. You know talking about Ag lots from the perspective of spatial relationships is one thing. The problem is that you have a piece of Ag land here that's now located between, frankly, two urbanized areas. One is Waiolani and the other one is Kehalani and Wailuku Heights to the west. What we're proposing...and we can talk about density. I've suggested to you here today that we could go half acre, we could go one, we could go two acre. We could implement two-acre lots as a buffer on that boundary on the Waiolani side, on the Waikapu side to achieve the buffer that you want but allow some degree of rural density that's reasonable as you transition from Kehalani, which is on the east side of Kuikahi, towards the western boundary which is towards the Waiolani area. And then that's a whole...one of the things we're trying to address here is that transitional uses, not just spatial relationships, because that's not what just planning is all about. It's about transitional uses and not having the conflicts, and what you heard this morning was about and to some degree conflicts, potential conflicts. What you need to understand is, is that you might have an Ag subdivision next to Waiolani, the guy could put 50 pigs on it. Unless there's some regulatory authority from the Department of Health on odor, flies, what have you, he could do that. So what we're trying to do is ease the transition from Urban to Ag. You still got ag above Waiolani. You can still have ag in this rural area and you can control it. Make the lots bigger, that's fine, have no problem with that. Be happy to accommodate in that regard, but we can then also control the uses, not be ...(inaudible)...

CHAIR BAISA: Comments on the idea of that buffer going across?

MR. JENCKS: I think the buffer is fine. We can incorporate it as a part of the larger lots. That's fine.

CHAIR BAISA: Members, further questions for Mr. Jencks? Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah. And, Madam Chair, Mr. Jencks is perfectly correct, 'cause right now my community complains to me about all the junks, all that litter, all that stuff that is thrown in the pasture. Right, above there, Charlie, they got all that stuff over there.

MR. JENCKS: Right.

COUNCILMEMBER VICTORINO: And I get a lot of complaints, dog noise, all these other things. It is really an unparked [*sic*], used ag in the middle of pretty much suburbia. This is not Kula, this is not Makawao, and this is not Pukalani, this is not Haiku, this is Wailuku, Waikapu which is built in every direction as you can see on that map. It is built in every direction you can think of,

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and there's housing all the way around. And even here they're building in this area but these are big lots, these are Ag lots, okay, but everything else is Urban. And this is going to be Urban, this is going to be a shopping center. So you're trying to figure out something to keep ag ag, it doesn't make sense. And I hate to disappoint the people on Waikapu or I hate to disappoint the people in Wailuku, but something has to be done where this makes...and a buffer zone to keep distinguished an area where you can say here is Wailuku and here is Waikapu. But on the other side of the street it will not make a difference 'cause you're kind of running one into the other, and it's all entitled already. I've said that to the community associations, we can't do much at this point, and they're all, you know, they can say what they want but this is a fact. Right here is all contiguous on each other, they built out. So what are we going to do here I think is if we can do that, build bigger lots, that may, you know, really in mind kill two birds with one stone. I mean really satisfy hopefully everybody else.

CHAIR BAISA: Okay. Members, further questions for Mr. Jencks? Otherwise we'll move on to the next item. Mr. Couch.

VICE-CHAIR COUCH: This may not be for Mr. Jencks, maybe for Mr. Spence or Mr. Summers. If that were to happen then in there, would that become a Rural Growth Boundary right in here? I would assume you would want to at least do that.

MR. SPENCE: Yes. You would normally...that would go into, to a Rural Growth Boundary, and then there would be some kind of brief description within the text of what the Committee's intent is, whether it's two acre or one acre or five acres, whatever the, you know, the Committee decides for that area and then of course the buffer between.

VICE-CHAIR COUCH: Thank you. Thank you, Madam Chair.

CHAIR BAISA: Okay. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I just have a comment, I guess basically I beg to differ with Mr. Jencks' comments in regards to a \$5 million lot up in West Maui and who can grow anything to make money. These people that I spoke to, they are not in it for the money, they already have tons and billions of dollars anyways. So they came here to purchase a nice chunk of land with a beautiful view with a lot of open expanse, have some trees and fruits and flowers and whatever, hire some farmers and all this stuff. So that is the kind of lifestyle and environment they came here to have and they rightfully can as long as they stay in Ag. And for me, I have seen too much land being lost already. I was talking to an old ohana and they used to farm pigs, cow, whatever, chickens, but as condos started building around them, they got the complaints of the smells and the noises and what have you. They had to sell...and property taxes went up. They ended up selling out and now another condo popped up. Now we have no rural, no resemblance of ag in this area. So, you know, for me this is the same situation going on. Began in ag, breadbasket of this area and we built all around so now who's the bad guy? The ag section. Well I, you know, for me that's the take that I'm looking at, and I'm going to stand behind preserving what ag we have left. So that's just the comment I have. Thank you, Chair.

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CHAIR BAISA: Thank you, Ms. Cochran.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR BAISA: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: And, you know, again I am not against ag. I'm trying to keep ag in areas where it makes good sense. And even in here had we not allowed all this other development around, you know, it would make good sense. Okay. And there, you know, there're people in the audience that want to clap for what my colleague says, that's fine, but there is the reality, the reality we live with. And ag should be out there in the other areas. As we come out there's a lot of ag land all out there now. We should preserve ag land on the lower side of Waiehu and Waikapu. That's where we should be now. Not...it's too late for that one part, it's too late. Okay. Is it our fault? Yeah. We should never have approved maybe everything that was done there but it's too late now. But all the other areas, you want to preserve? Well let's go preserve the other areas. I'd be willing to put all of those other areas in Ag and leave it in Ag. Now I wonder how that people going to feel when I say that to that. You know, see, so it's all in who takes what. You know being realistic and being what I call applicable to the area around you, there's all these people that live there, and I agree there's goats in there right now, there's all kinds of other things. You saw the story about the dogs that were killed, there's other things that are happening in there and I constantly get complaints. Now ag happens to the bad guy in this case but it wasn't the ag who made it that way, it was the allowing over the 30 years all the development in that area. Thank you, Madam Chair.

CHAIR BAISA: Unfortunately, Mr. Victorino, we're locking the barn after the horse is stolen.

COUNCILMEMBER VICTORINO: That's correct.

CHAIR BAISA: You know the planning that we're trying to catch up with, a lot has already been done. What is really important is we act quickly before anything else happens that we're going to have to live with --

COUNCILMEMBER VICTORINO: Exactly.

CHAIR BAISA: --and that's why we need to get this done. Okay. I think that, you know, we have a pretty good idea on that one. The next one on our list is Mr. Atherton and the Waikapu Country Town, Maui Tropical Plantation request. If we could pull that up, folks.

VICE-CHAIR COUCH: Madam Chair, while they're pulling it up --

CHAIR BAISA: Yes.

VICE-CHAIR COUCH: --it says that in this list, that it is included already in the boundaries.

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CHAIR BAISA: Good, but we want to take a look at it anyway.

VICE-CHAIR COUCH: Okay.

CHAIR BAISA: It's already in. We're trying to take a look at all the requests. It's in so it's there. You know maybe looking at these ones that are already in will help us deal with the ones that we have to decide on, because we'll pick up pointers as to what is good and what we should be looking for. This is a great education for all of us. Maybe, Planning, you folks can tell us the positive things about this and what, why it's in there, and that'll be great.

MR. SUMMERS: Thank you. This particular project came before us briefly towards the end of the GPAC process, but very late in that process so it was not included in the GPAC boundary. It was reviewed quite extensively by the Planning Commission and included in the Planning Commission recommendation as well as the Department's 2010 and 2012 recommendations. The project is quite unique in the sense that in addition to the proposed expansion areas they are suggesting that a significant amount of land to the south be preserved in perpetuity in agricultural use. And they have a unique concept for a development here and around Waikapu that would be consistent with the character of the community as well as makai of the highway here. It is an integrated community or proposed to be with schools and parks and some commercial and other uses to serve the residents of the area. Roughly 1,400 units are proposed for the project. There's a community park here that's proposed, and it's adjacent to this regional park public facilities area. We are asking for all of these projects that are included in the boundaries to coordinate their infrastructure planning.

CHAIR BAISA: So it sounds like building a complete community.

MR. SUMMERS: That's the idea, yes.

CHAIR BAISA: I think that's exciting to hear because we have to build communities. Members, any comments? Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, thank you, Madam Chair. And you see this is a project that has been worked on for a long time and is being done in a complete and with the community's involvement, and that makes it very acceptable. You know it wasn't at first, but Mr. Atherton and his group has worked real well with the community, and that's why I can support this is being included in that area. This is some of the Ag land below that he's going to make an agricultural park. He wants to dedicate I think 1,100 acres to ag only, you know, which I think is, you know, what we need in this area. So that's the area now, it's not surrounded by homes, you know, and here's a chance for us to really put ag and keep ag in perpetuity. This is the chance we have. We haven't--pardon the expression--screwed this area up yet. Excuse me for being honest. So this is the chance so I can support. And I can make...you know, now we can put in where we won't allow housing to be built around here, we won't allow any changes. This will be ag and ag in perpetuity. So I think Mr. Atherton has the right approach, even with

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his Ag lots...his Rural lots he's made them very big and very comfortable, and his affordable housing around the town area is affordable. So I can support this. Thank you, Madam Chair.

CHAIR BAISA: Mr. Couch. Thank you, Mr. Victorino.

VICE-CHAIR COUCH: Thank you, Madam Chair. And this question would be for probably Mr. Spence. The areas here on his map where it all shows I guess ag, where those ag preservation or ag park, how can we make sure that that stays as ag park and doesn't eventually get subdivided into, you know, sliding scale, two-acre lots kind of thing?

MR. SUMMERS: In the text that accompanies this project there is language that would enforce that. Yeah.

VICE-CHAIR COUCH: Okay. And then one real quick question is these boundaries here, where do they project over here? That in D...that's not D027, that's just down here, right?

MR. SUMMERS: Yeah, that would be this area here. We can pull that up for you.

VICE-CHAIR COUCH: But this portion here, right here is...

MR. SUMMERS: Is this area here. And I would note that this is the bypass --

VICE-CHAIR COUCH: Right.

MR. SUMMERS: --road.

VICE-CHAIR COUCH: This is going to Piilani Highway right here, right?

MR. SUMMERS: So we have a bypass coming in --

VICE-CHAIR COUCH: Okay.

MR. SUMMERS: --through here.

VICE-CHAIR COUCH: That's Wai`ale Drive, right?

MR. SUMMERS: Right.

VICE-CHAIR COUCH: Okay.

MR. SPENCE: Madam Chair?

CHAIR BAISA: Yes.

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MR. SPENCE: If I can make one more comment?

CHAIR BAISA: Sure.

MR. SPENCE: One difference between this plan and the previous and, you know, what was transmitted to Council in 2010 is, you know, through all the discussion of small towns and country towns and everything, the...we're proposing to put a Small Town Boundary around the upper portion, the mauka portion here. And I had some discussions with Mr. Atherton, you know, just on the, just to put on the record that all the things that he's wanting to do over here on his proposed plot map and that he's worked so hard with the community on and gotten agreement on throughout the process, this Small Town Boundary would accommodate, would fit in perfectly with everything that he and the community are envisioning doing there. It's not in conflict at all, it actually promotes what they're trying to do.

CHAIR BAISA: Thank you, Mr. Spence. See, this is what I think is important as we look at all of the proposals, is looking at the strengths and looking at the concerns and trying to figure out what makes a strong proposal and what makes something acceptable. And I think it's important that we learn from this. Okay. Members, further questions or comments on this area? If not, we'll move on to the next one. And the next one is the Free Church of Tonga and that's a request that's been put in by Wayne Arakaki, and that is on Map C2. So if you can pull your C2 map. We can talk about that. We'll let GIS catch up with us. I'm sorry that we're flipping, guys, but we're following a list. This one is not included and so we'll have to discuss it at length.

VICE-CHAIR COUCH: Madam Chair, is there a number to correspond on the map?

CHAIR BAISA: I don't have a number but I'm sure Planning can get you one. Project No. 104, Map C2.

VICE-CHAIR COUCH: Madam Chair, before we get going on that, can we take a five-minute break, please?

CHAIR BAISA: Absolutely.

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: And let's try to make it five minutes. Okay, the meeting is now in recess. . . .(gavel).
..

RECESS: 2:35 p.m.

RECONVENE: 2:41 p.m.

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Okay. We are about to discuss the Free Church of Tonga's request. Planning, comments?

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MR. SUMMERS: The only thing I would say is that this particular project was never reviewed by any of the Committees, it came in late in the process.

CHAIR BAISA: Can you kind of point out where it is? That'll be helpful, John.

MR. SUMMERS: Right here. Please zoom up on that a little bit, Mike. It's just off the highway. It's about ten acres. They're requesting to be in a growth boundary to accommodate the church's plans for expansion including daycare facilities, residence for the minister, and other accessory uses to the church property. We would have setback issues again from the highway we'd want to be careful of.

CHAIR BAISA: Other than the fact that, you know, they kind of came in a little late, are there any strong objections to it?

MR. SUMMERS: Could we pan out a little bit on this area. I mean the only thing I would say is that the Waihee community has been very vocal throughout this process.

CHAIR BAISA: Yes.

MR. SUMMERS: And part of that is that a lot of developments occurred in that area under the radar of the County if you will because it's happened on DHHL land. So I think they're reacting to the DHHL land in the area that's been developed as well as a number of the ag subdivisions. So I'd be, you know, alert to that issue. Regarding the location, we've got the highway so visual impacts are something to look at. But in terms of that use at that location...

MR. SPENCE: Yeah. Madam Chair, I'm not...

CHAIR BAISA: Yes.

MR. SPENCE: I was at a Waihee community association meeting, one of the associations where it was discussed. There were some thoughts about it, and but, you know, everything was very respectful of the community, et cetera. It was certainly...it was, you know, received with some additional discussion is what everybody wanted. And I was also going to say Ms. Karlynn Fukuda from...the church's representative just walked in --

CHAIR BAISA: Okay.

MR. SPENCE: --if the Committee wants to hear from her.

COUNCILMEMBER VICTORINO: Madam Chair, if we may, please?

CHAIR BAISA: Absolutely. Ms. Fukuda, could you please come up? If you'd like to make some introductory remarks, you've heard the comments.

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MS. FUKUDA: Good afternoon, Chair and Members of the General Plan Committee. My name is Karlynn Fukuda of Munekiyo & Hiraga, Inc. Previously at the March 1st General Plan Committee member...meeting, sorry, there were members of the Free Church of Tonga that were here with me that testified requesting for support from the Committee for inclusion of their property located in Waiehu as we have been noticed that that's actually the correct location. It's not Waihee. They're located in Waiehu. But the inclusion of their property in the proposed Urban Growth Boundary. As Director Spence had mentioned, we did go before the Waihee Community Association in March 22nd of this year to have an initial consultation with the community association. And it was a good discussion and dialogue, and I would say generally that there was support from the community association. There was a little bit of concern about the potential daycare option that the church is willing to look at further, but generally the community association was supportive. And the church has agreed to continue discussions with the community association as they proceed. So the church would request consideration by the Committee for inclusion in the proposed Urban Growth Boundary of their property.

CHAIR BAISA: Members, questions for Ms. Fukuda? Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, thank you. And thank you, Ms. Fukuda, for being here. And I know you've brought this to some of us already to show us and we've met with the church elders in this respect. And I think if you would explain what the intent of how many buildings you're really looking at, keeping the upper area agriculture, and just try to explain to the Members as well as the general public what the intent of the Free Church of Tonga is.

MS. FUKUDA: Thank you, Councilmember Victorino, for your comment or your question. I'm sorry, I don't have a laser pointer handy --

COUNCILMEMBER VICTORINO: You like borrow?

MS. FUKUDA: --that I could show...yes, if I could that would help. Thank you. Thank you. So the Free Church of Tonga parcel as you notice here is outlined in the purple, and there is this existing residence here that is not part of the Free Church of Tonga parcel. And if you may recall when we came before the body in March, we did mention that the entire parcel is currently being used for active agriculture by the church members. And what the church would like to do...thank you very much, that helps a lot. This is Kahekili Highway, this is Malaihi Drive, and what the church would like to do is look at utilizing approximately half of the parcel, the lower half here because there is a slope, but the lower half here where there is this access point to Kahekili Highway, for the church building as well as a community hall, residences for the church ministers as well as visiting church dignitaries from Tonga. And there was a proposed daycare facility that would be utilized as well as a kava house which would be used for cultural ceremonies. Approximately they're looking at 11 buildings, but, you know, again, this is conceptual at this point and that could be revised as the project moves forward further. But the upper half here would be proposed to be left in agricultural uses to provide for a buffer from that existing residence from the church activities. But again, you know, your church activities you're

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looking at mainly on Sunday but they do have a service that they typically hold I believe it might be Wednesday in the evening, so.

CHAIR BAISA: Further questions? Mr. Couch.

VICE-CHAIR COUCH: Thank you. What are the current ag uses that are going on over there?

MS. FUKUDA: In this area here the church members are growing a variety of fruits and vegetables. I know I saw banana for sure. There's a lot of banana growing in that area, but I believe there are other fruits and vegetables that are being utilized by the church members.

VICE-CHAIR COUCH: And that's the whole lot at the moment?

MS. FUKUDA: Right, from top to bottom, yes.

VICE-CHAIR COUCH: So would be taking out some ag use?

MS. FUKUDA: Yes, that's correct.

VICE-CHAIR COUCH: I don't have any questions of her but I do of Mr. Spence.

CHAIR BAISA: Okay. Anybody, further questions for Ms. Fukuda before I let her go? Mr. Victorino.

COUNCILMEMBER VICTORINO: And, Ms. Fukuda, traffic was one issue that was brought up. Most of the egress/ingress would be off of Kahekili or off of Malahini [*sic*]?

MS. FUKUDA: At this point in time the proposed ingress and egress to the church facilities would be from Kahekili Highway. At this point in time there's no plan for a connection from Malaihi Drive.

COUNCILMEMBER VICTORINO: So the people that live up there up in Malahini [*sic*] would not be affected by traffic in the sense of going on to that, that particular narrow road?

MS. FUKUDA: That's correct.

COUNCILMEMBER VICTORINO: Okay.

MS. FUKUDA: At this point, yes.

COUNCILMEMBER VICTORINO: Thank you, Madam Chair.

CHAIR BAISA: Thank you. Ms. Fukuda, can you tell us more or less how large this congregation is? I'm sure, you know, that'll go up and down but more or less what is it?

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MS. FUKUDA: Currently for the entire island of Maui they have approximately 300 members.

CHAIR BAISA: For the entire island of Maui?

MS. FUKUDA: Yes. Because there is congregation within the Lahaina area as well.

CHAIR BAISA: Thank you very much. Any other questions for Ms. Fukuda? If not, Ms. Fukuda, thank you. You might want to hang for a little bit more.

MS. FUKUDA: Okay, thank you. Will do.

CHAIR BAISA: Thank you. Further questions? Mr. Couch.

VICE-CHAIR COUCH: Thank you. If you could zoom out a little bit on that, I would appreciate it. The question I have is again taking some stuff out of ag which I understand, but, Mr. Spence, wasn't there somewhere in the, gosh, around 2004 or '05 we had another church that wanted to go into an area and up in Pukalani? And they went all the way to the Supreme Court.

MR. SPENCE: Are you talking about my church?

VICE-CHAIR COUCH: Is that...oh, I don't know, is that...

CHAIR BAISA: Probably.

VICE-CHAIR COUCH: Okay. Well yes.

CHAIR BAISA: Somebody's church for sure.

VICE-CHAIR COUCH: I mean no matter what we do, is there...can't...I mean they pretty much can go there and be done with it, right? Compared to...I seem to recall that church went into a residential area which was big, large ag lots as well, so I'm wondering what...if there's any restrictions, what they would be.

MR. SPENCE: Right now...and it's fairly common, there's any number of churches that exist around Maui island and Maui County that operate on Special Use Permits. As the years have progressed...and I could name a bunch of examples. As the years go by and they...these churches they get Special Use Permits and they get extension after extension after extension, finally the Planning Commission after reviewing it for the third or fourth time just goes, you know what, you really need to go get your zoning. And so they instead of operating under Special Use Permits which is technically a temporary permit, the recommendation's been, you know, go get your zoning and, you know, be done with it. You've been established, you're...et cetera. The only other comment, it...does that answer?

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VICE-CHAIR COUCH: So in essence they could get a Special Use Permit and go there anyway --

MR. SPENCE: Yes, they could.

VICE-CHAIR COUCH: --and would be taking a lot of County time every time --

MR. SPENCE: Yes.

VICE-CHAIR COUCH: --that they want to go through the process?

MR. SPENCE: And I would also just say that, you know, for the purposes of the Maui Island Plan, this is a box. You're saying in this box there's going to go a Free Tongan Church. What form that's going to take, what uses are going to go in there besides the church and the kava house and the, you know, the parsonage, you know, all those things are still need to go through community plan, they still need to go through zoning. There may or may not be conditions, you know, I mean you're...this Council is going to see that again, the Planning Commission, the community, everybody's going to see it again. Right now we're just saying this is a box and this is what could go in there.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Okay. Further questions on this issue? Seeing none, Members, then we'll just move on. Thank you, Ms. Fukuda. And the next item on our list is Waikapu Mauka Rural Lots, and they are not in and so we need to kind of take a look at this. If we could pull that up. And that's being asked for by THP Association, Waikapu Mauka Partners. Is someone here? I don't see anybody in the gallery representing them. Planning, any comments?

MR. SUMMERS: Yes, if we could go to that area, is up mauka just south of the Waikapu...

CHAIR BAISA: This is on Map C3 and C4.

MR. SUMMERS: It's on Map C3.

CHAIR BAISA: Yeah, C3.

MR. SUMMERS: This is a proposal that's actually...it is in the existing community plan for Rural use mauka of the golf course. There was very little if any support for it during the GPAC/Planning Commission review process over the last five years. So it's not reflected, it was not reflected in either Director recommendation or the review body's recommendation.

CHAIR BAISA: Members, questions?

COUNCILMEMBER VICTORINO: Chair?

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CHAIR BAISA: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay, try point out that again. 'Cause I didn't quite watch where your pointer went. That area above there.

MR. SUMMERS: It's this area right though here.

COUNCILMEMBER VICTORINO: That's behind Spencer's area?

MR. SUMMERS: It's mauka of the highway behind the golf course.

COUNCILMEMBER VICTORINO: Oh, above the golf course.

MR. SUMMERS: Yeah.

COUNCILMEMBER VICTORINO: Okay, I was lost. I apologize.

CHAIR BAISA: Okay.

MR. SPENCE: It's right up against the --

COUNCILMEMBER VICTORINO: The mountain, right?

MR. SPENCE: --the mountain.

MR. SUMMERS: Yeah, right up against the mountain.

CHAIR BAISA: And...

MR. SUMMERS: Just backs up right against the mountain.

CHAIR BAISA: And in a nutshell the project is to do what?

MR. SUMMERS: Basically Rural lots, half acre, one-acre lots. Mark.

MR. SPENCE: Madam Chair?

CHAIR BAISA: Yes, Mr. Spence.

MR. SUMMERS: About 260 lots.

MR. SPENCE: Again, this is according to the table that we have, it's up to 304 units. It's not something we're supporting. The, you know, if the, you know, this is another area where they could do an ag subdivision and they would get any number of...they'd get 14 2-acre lots and any

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number of larger lots. The only thing that we would support...if you wanted to go Rural the only thing we would support would be like two, five, and ten.

CHAIR BAISA: Okay. Questions? Ms. Cochran.

COUNCILMEMBER COCHRAN: Who are these people? I...just asking.

MR. SPENCE: I've met the gentleman once, but...

COUNCILMEMBER COCHRAN: I believe it's not Atherton's.

CHAIR BAISA: No

COUNCILMEMBER COCHRAN: What?

CHAIR BAISA: Not Atherton.

COUNCILMEMBER COCHRAN: It's not --

COUNCILMEMBER VICTORINO: No, it's not.

COUNCILMEMBER COCHRAN: --Spencer?

CHAIR BAISA: Definitely not Atherton. Right? Not you guys? Well, okay, well it appears that no one is here to advocate for it. It appears that Planning is not in support. Any comments?

COUNCILMEMBER COCHRAN: And also...oh, sorry, Chair.

CHAIR BAISA: Wait, Leilani...Members, I'll get Leilani down here, she may have something to offer.

MS. PULMANO: Hi, my name is Leilani Pulmano with Munekiyo & Hiraga. I know that this is one of our projects inside of our office, and I'm sorry our representative is not here. We honestly didn't know that we were going to be called up or be able to provide some comments. So if we could still kindly ask to have this part deferred and we can have the representative come tomorrow?

CHAIR BAISA: That'll be wonderful.

MS. PULMANO: Okay.

CHAIR BAISA: I'll be happy to move on.

MS. PULMANO: Thank you, appreciate that.

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CHAIR BAISA: Thank you very much. Okay. Members, we will just defer this and move it down on the list.

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes.

COUNCILMEMBER COCHRAN: In regards to this one it says on Map C4. We have a C4?

CHAIR BAISA: There's no C4, only C3 that I know of.

COUNCILMEMBER COCHRAN: I have...I go up to C3, I was just curious if we have a C4.

CHAIR BAISA: We don't have...

MR. SUMMERS: Yeah, we do have a Map C4.

CHAIR BAISA: We do have a C4.

MR. SUMMERS: But it's in the next --

CHAIR BAISA: It's in the next...

MR. SUMMERS: --the next section, Kihei/Makena.

COUNCILMEMBER COCHRAN: Oh, okay. And this particular project encompasses both maps then? It flows into C4?

VICE-CHAIR COUCH: Yeah, see right at the end there, that's the red.

COUNCILMEMBER COCHRAN: Oh, okay. Got it.

COUNCILMEMBER VICTORINO: It goes into C4, yeah.

CHAIR BAISA: Okay. What we'll do, folks, is just not discuss it now and we'll move it down. We'll continue with something else, okay? And we'll come back to it tomorrow. Okay. The next one on our list of course is the Maui Lani Project District 1, and this is in the map so I don't think we need to discuss it unless anybody wants to. Anybody want to talk about it?

COUNCIL MEMBERS: No.

CHAIR BAISA: Seeing none, moving on. The next one is also in the map, the Pi'ihana Project District 2. Anybody? Yes, Mr. Couch.

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VICE-CHAIR COUCH: I don't know if the Director is aware or not where they are on that. Are they going to continue with it? How long has it been there?

CHAIR BAISA: Mr. Spence?

VICE-CHAIR COUCH: That kind of thing.

MR. SPENCE: Maui Lani?

VICE-CHAIR COUCH: No.

CHAIR BAISA: No, Piihana.

VICE-CHAIR COUCH: Piihana. We passed Maui Lani.

CHAIR BAISA: We passed Maui Lani.

MR. SPENCE: They have all their entitlements as far as I'm aware of, so they're planning on proceeding.

VICE-CHAIR COUCH: Okay.

CHAIR BAISA: Okay?

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: Okay. Next one, Kehalani Project District 3. Again, this is in the maps. Unless somebody wants to talk about it, we'll move on.

COUNCILMEMBER WHITE: Madam Chair?

CHAIR BAISA: Yes, Mr. White.

COUNCILMEMBER WHITE: Just a question. What is the U in parentheses mean?

CHAIR BAISA: Planning, if you can explain?

MR. SUMMERS: That would be Urban.

COUNCILMEMBER WHITE: Oh, okay.

MR. SUMMERS: It's in the Urban Growth Boundary.

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COUNCILMEMBER WHITE: Thank you.

CHAIR BAISA: Okay? All right. On to the next one, Hale Mua. Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah. Well this one I'd like to know if this is still alive. I haven't heard anything for the longest time, so.

CHAIR BAISA: Mister...I'm sorry, John, would you please go ahead.

MR. SUMMERS: Yes, Mr. Kim did appear before the Committee at the last meeting --

CHAIR BAISA: Yes.

MR. SUMMERS: --and did request that it remain in the boundary and that the project was alive. He was trying to line up the financing as I recall for the project.

COUNCILMEMBER VICTORINO: Has there been anyone else? Because I was told that someone else had bought this thing out from him or he had foreclosed and somebody else took over, but I don't know. This is what I've been...that's the talk on the street, so, you know, and sometimes the talk on the street is more current than the talk in here. But that's another story, you know, and, you know, you guys all know that. But how true is that or has anybody or anything been said in that area?

CHAIR BAISA: Mr. Victorino, when Mr.--oh gosh--Sterling was here at the last meeting that's what I heard also --

COUNCILMEMBER VICTORINO: Yeah, that's what I heard. Yeah.

CHAIR BAISA: --that he wanted it kept alive but he was looking for the money.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR BAISA: Now, you know, nowadays looking for money is not what it used to be obviously, it's much harder than it was. But that's all that I can tell you.

COUNCILMEMBER VICTORINO: Well and then this also is connected if I'm not mistaken, Mr. Spence, to the Imi Kala extension, the bridge and all that.

CHAIR BAISA: Correct.

COUNCILMEMBER VICTORINO: So this is another project that cannot be completed unless that extension is done?

CHAIR BAISA: Correct.

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MR. SPENCE: Correct.

COUNCILMEMBER VICTORINO: So this...so that this one and Pi`ihana are both intertwined with the completion of the Imi Kala extension or it doesn't fly.

CHAIR BAISA: Okay.

COUNCILMEMBER VICTORINO: Okay, thank you.

MR. SPENCE: That's my understanding.

COUNCILMEMBER VICTORINO: That's...

CHAIR BAISA: I think we're all clear.

COUNCILMEMBER VICTORINO: Okay.

CHAIR BAISA: Ms. Cochran, you're trying to say something?

COUNCILMEMBER COCHRAN: Oh, no, I was scratching my head.

CHAIR BAISA: Okay. You just bought it.

COUNCILMEMBER COCHRAN: Thank God I'm not at a public auction.

CHAIR BAISA: If you were at an auction you'd take it home. Okay. Okay. Moving on to Wai`ale. This one also is in A&B property at Wai`ale is in, and we all know that this is before the State Land Use Commission right now. Any comments? Mr. Couch.

VICE-CHAIR COUCH: Madam Chair, this says that a portion of it is outside, so could we have a look at that on the map, please?

CHAIR BAISA: Absolutely. If we can get GIS to help put us up...put that up for us.

VICE-CHAIR COUCH: Okay. And then I guess to the Director or to Mr. Summers, what portion is outside of...or is this the...woops, it went away. Is this...is that D027 right there or is it up here?

MR. SUMMERS: D027 is down in this area.

VICE-CHAIR COUCH: Is this project D027?

MR. SUMMERS: No, it's not.

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VICE-CHAIR COUCH: Okay. Then which portion is outside of the...you say that it's in the Urban Growth Boundary except for a portion is outside of it.

MR. SUMMERS: The applicant had originally proposed the area that the regional park is proposed, this southern portion. The applicant had proposed that that also be included in their development project and that was not included.

VICE-CHAIR COUCH: Okay. There's a lot of stuff up on that screen, I'm not quite sure where we are with what's currently being proposed and where the currently proposed Urban Growth Boundary is.

CHAIR BAISA: We have a stakeholder representative, Mr. Endo. If, Members, I'll get Mr. Endo down here, maybe he can help.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR BAISA: No problem? Mr. Endo.

MR. ENDO: Good morning, Council members, or good afternoon. Yeah, the...I think --

CHAIR BAISA: You need a thing?

MR. ENDO: --John was a little bit off in his pointer. It's actually...

CHAIR BAISA: We'll get you a pointer. Hold on a second. Okay. Thank you, Kirstin.

MR. ENDO: Yeah, this portion of D027 was originally in the request for Wai'ale, but early on in the GPAC process there was a lot of people...there was a lot sentiment to shrink it down. So basically the alignment as you see it now which it runs along the stream is the boundary for Wai'ale. So the current project as currently proposed is all within the Urban Growth Boundary today.

CHAIR BAISA: Okay.

VICE-CHAIR COUCH: Okay.

CHAIR BAISA: Are we clear now?

VICE-CHAIR COUCH: All right. So we'd change the list then.

CHAIR BAISA: Yes, so we can change this note. Okay.

VICE-CHAIR COUCH: Thank you.

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CHAIR BAISA: Okay. Thank you very much, Mr. Endo. Hang on. Any questions, any more questions for Mr. Endo? Seeing none, thank you very much. Okay. That's Wai'ale. The one right under it is A&B Wai'ale Water Treatment Facility which is also in the plan and in the boundaries. And questions about that, anybody? Seeing none, moving on. The next one is A&B Properties Pu'unene Village, A&B, and this one is not in the plan. Comments from Planning? If we could pull that up.

MR. SUMMERS: Thank you. This was very early on we'd requested from all the large landowners on the island to share their long-term development plans with the Planning Department. And one of the projects they had listed was this Pu'unene Village project in this area opposite the mill. The...it wasn't deemed to be the highest priority project, I think the focus was Wai'ale, and the project never did receive a lot of support during the review process. So it hasn't been included in any of the four drafts that have been reviewed, but it was...we did receive a letter from the landowner very early in the process and this was included in that letter.

CHAIR BAISA: Members, comments, you...questions?

VICE-CHAIR COUCH: Do we have the...

CHAIR BAISA: We have a representative here. Mr. Endo, Members are asking for you again. Popular guy. Okay, Mr. Couch.

VICE-CHAIR COUCH: Your thoughts on or your comments on Mr. Summer's comments or is that a...

MR. ENDO: To be honest, I'm not super familiar with this project, so I believe everything he said is accurate, that's why I probably haven't heard anything about it. 'Cause I know it would, you know, just looking at it from a planning perspective it does seem to have a lot of good things going for it, its proximity to, you know, major highways and everything. But the focus is on Wai'ale at this point.

VICE-CHAIR COUCH: Okay. Thank you.

CHAIR BAISA: Any further questions for Mr. Endo? Seeing none, Mr. Endo, thank you. Okay. Any more on that issue? None? Okay. Moving on to next one. Spreckelsville Mauka, A&B. This one is also not in. Anybody here representing that? Mr. Endo, you again. You might as well stay at the podium. Planning, comments? Any comments on this?

MR. SUMMERS: Yes. In that early letter back in I think it was 2005-2006, the Spreckelsville Mauka project was listed as a long-term project. Throughout the Maui Island Plan review process, we really haven't seen a push for this project even though it was included on that original letter. I would say that it is Urban in the State Land Use maps. When it went before the Council during the review of the Wailuku-Kahului Community Plan, it hit significant resistance and was not

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included in that document. This project was not included in any of the review drafts done by the various bodies.

CHAIR BAISA: Thank you. Mr. Endo, any comments?

MR. ENDO: No, I believe that's all accurate. I'm not super familiar with this project either. I do...I guess it does raise an interesting question though as to whether or not something should be in if it's already got State Urban though. I mean it is Urban, so to not put it within an Urban Growth Boundary when it's already district Urban sounds a bit unusual to me, but that's just a side comment.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR BAISA: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, and you raise a good point, Randy. But right now that's still all sugar cane land in that area.

MR. ENDO: Oh, it is, yeah.

COUNCILMEMBER VICTORINO: I mean that's all still agriculture.

MR. ENDO: I mean it doesn't have zoning, it doesn't have community plan, so it's still, you know, a lot of things to be done, but it is from a State perspective in the Urban district.

COUNCILMEMBER VICTORINO: From a State perspective. Okay.

MR. ENDO: Yeah.

COUNCILMEMBER VICTORINO: Well now that's one of the areas that I can support leaving in Ag for right now, I don't see any reason to change it, you know. So, okay, Madam Chair, thank you.

CHAIR BAISA: Okay. Further comments? Seeing none, Mr. Endo, thank you again. Okay. Members, moving on. The next three on our list are all in. One is the Waiko Baseyard. Any questions about that? Or we'll move on.

COUNCILMEMBER VICTORINO: Move on.

CHAIR BAISA: Okay. Valley Isle Fellowship, Commercial and Condos. No questions?

COUNCILMEMBER VICTORINO: No.

CHAIR BAISA: The last one is Wailuku Country Estates. Now this one we've heard quite a bit about today. Any comments? Any discussion? Mr. Victorino

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COUNCILMEMBER VICTORINO: Yeah, and I think we've kind of beaten this one up real...a lot, so all I'll say is, you know, I think we just want to...they were...sold these lots in the area and were told that this was going be Ag and this is one of those areas that I think even Mr. Spence agrees, you leave it in Ag, leave it in Ag and be done with it. If that's what the community so desires, and those are the people that live there so I want to, you know, try to get their wishes. 'Cause I want to wish everybody, you know, and I want to make one more point, Madam Chair. You know all this is all proposals, right?

CHAIR BAISA: Right.

COUNCILMEMBER VICTORINO: And like a lot of things, we all have our feelings about it one way or the other. The bottom line in all of this is once we've made decisions, there's still the community plans section --

CHAIR BAISA: Correct.

COUNCILMEMBER VICTORINO: --so it's not like a done deal once we even do it here. You still got the community plan, and if the communities say hey, I don't want this, it doesn't happen. So I want this all clear that people think whatever we do now is final and that's it and you seal the envelope and send it off, no. The envelope is not shut, and the envelope is not even...the letter is not even written yet. We haven't gotten that far. So just trying to make everybody feel a little bit more comfortable, because I think sometimes we get these people who get on edge because they think oh, this is done deal. Nothing's done until the community plan is done and accepted, and then even at that, there always is exceptions which we all wish never came about. Thank you, Madam Chair.

CHAIR BAISA: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, yeah, following along those lines, I just want to reiterate and remind each and every one of us in this room that these decisions will set precedence for other areas though. I think that was stated earlier at the beginning of the day, and I just wanted to close it by reminding each and every one of us about that comment. So granted it's not, you know, it's not set in stone and whatever, but yes, it will set some type of precedence and people can take it that way. Thank you, Chair.

CHAIR BAISA: All right. And thank you, Ms. Cochran, for that reminder. I think it's very important. Members, we have kind of reached the point where I think it's probably a good idea to rest. We have gone through our list. We've heard a lot of stuff today. We've learned a lot today, and we certainly are back in the groove. I don't know about you guys but I'm certainly feeling a lot better this afternoon than I did this morning. I think we're all aboard as to where we're going here and how we're going. Tomorrow we'll have more Members joining us, and we will work very hard on making decisions. I'd like to thank everybody who came today. I'd like to thank everybody for the information that was shared, the questions, and the effort. Tomorrow will be a

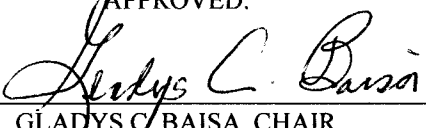
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much more difficult day, so rest up this evening and come prepared tomorrow. We're going to start at 9:00 and we're going to put in a heavy-duty day. So with that, Members, the Chair would like to thank the Staff and all of the representatives and the people who came today, and my Members, thank you very, very much for coming in today. I really appreciate it. This meeting is recessed until tomorrow morning at 9 o'clock. . . .(gavel). . .

RECESS: 3:14 p.m.

APPROVED:



GLADYS C. BAISA, CHAIR
General Plan Committee

gp:min:120521:ds

Transcribed by: Daniel Schoenbeck

GENERAL PLAN COMMITTEE MINUTES
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CERTIFICATE

I, Daniel Schoenbeck, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 8th day of June, 2012, in Kula, Hawaii

A handwritten signature in black ink, reading "Daniel Schoenbeck", is written over a horizontal line.

Daniel Schoenbeck